LAW LIBRARY JOURNAL

VOLUME 48 | May, 1955 | No. 2

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Published quarterly by the American Association of Law Libraries; printed by the William Byrd Press, Inc., Richmond 5, Virginia. Subscription price $6.00 a year, payable in advance.

Contents of the LAW LIBRARY JOURNAL are indexed in the Index to Legal Periodicals.

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Entered as second-class matter at the Post Office at Richmond, Virginia under the Act of March 3, 1879.

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LAW LIBRARY JOURNAL

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LAW LIBRARY JOURNAL

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THE PRESIDENT'S PAGE

Every President must wish for a final President's Page weighty with the record of a year's accomplishments. We so wish, but our committees will be responsible for the bulk of our accomplishments, and much of their work is still in progress. So we record, instead, something of an accomplishment, and something to anticipate.

We feel that it is an accomplishment for an entirely new Journal staff to have launched this May issue with no noticeable transitory pangs. To our departing staff, Editor Harriet French, Assistant Editor Dorothy Salmon, and Advertising Manager Charles McNabb, and to our Law Library Journal Committee, we give credit for keeping those pangs unnoticeable, at least to us. To our new staff, Editor Mortimer Schwartz, Assistant Editor Pauline Carleton and Advertising Manager Earl Borgeson, we give thanks for taking on the job.

Something of anticipation: many of you have made all necessary arrangements to attend the pre-convention Institute-Workshop and the Annual Meeting in Chicago June 28-July 2 and July 5-8. We note for those who have not, that May is a good month in which to do what might have been done in March or April, and that May, as a month for making reservations and planning the absent-from-the-library strategy, is superior to June.

We assume that anyone who plans to attend the Meeting will want to attend the Institute also. We have unclouded confidence in the fact that no other program sponsored by the A.A.L.L. has or could come closer than this to providing "something for everyone." Whether you are experienced or inexperienced; whether you are a graduate of law and library schools or one whose formal education was directed elsewhere; whether you know little of law library techniques or know so much that you are beginning to in-grow; whether you are a law librarian or an administrator in search of better understanding of those for whose actions you are responsible, to skip the Institute would be to close your ears to good advice. Co-Directors Ervin Pollack of Ohio State University and William R. Roalfe of Northwestern University are men of wisdom and experience in the ways of workshop planning as well as in the ways of law librarianship. If you come, they will make you work, but you will go away knowing more about cataloging, book selection, order work procedure, continuations-procedure and records, and the physical arrangement of a law library.

Between the Institute and the Annual Meeting, there will be two days in which to recover from studying. The Local Arrangements Committee, consisting of the entire membership of the Chicago Association of Law Libraries, co-chairmanned by Dorothy Scarborough and William D. Murphy, will be able to suggest suitable interim occupation in the Chicago area, whether your taste in recovery runs to activity or to unadulterated rest.

The Annual Meeting has been planned to add further to your knowledge, while avoiding duplication of Institute subject matter. The program will include talks by experienced law librarians on the procedure for securing and administering donations to the library, and psychoanalytic talks by distinguished associates on some things which smudge law librarians' efficiency, and demonstrations with samples-to-take-home of simple binding, circulation methods, the organization of acquisition records, and the keeping of financial records.

You will find that the Drake Hotel, Headquarters for the Annual Meeting, is ideally situated, has a friendly staff, excellent convention facilities, and a gracious atmosphere. You will find that our hosts, the members of the Chicago Chapter, have made flawless plans for the entertainment of all, with special attention to homogenization of the new member and the first-convention-goer. We hope that we shall find you there.

MARIAN G. GALLAGHER

Microfacsimiles in Law Libraries

by CARROLL C. MORELAND, *Librarian*
University of Pennsylvania Law Library

Microfacsimile has recently been suggested as the generic term to describe microreproduced materials, regardless of the method used. It satisfies the manufacturers of every kind of material presently supplied, since it is all-inclusive and does not single out or eliminate any process by its form. A great deal has been written about microfacsimiles as a whole and on the various methods embraced in the term. But there has been nothing specifically addressed to the use of this kind of material in law libraries. And there is no place where microfacsimiles can be used to better advantage!

There are a number of factors to be considered in determining the suitability of particular material in microfacsimile for a law library. None of them needs be controlling by itself. Frequently the relevant factors, taken individually, would lead to different conclusions: the librarian must make his determination on the basis of all of them. The most obvious factor is the amount of use which the particular material will get in the particular library. The less frequent the use, the greater its suitability for microfacsimile. At times, use is not as controlling as availability. Take the records and briefs of the United States Supreme Court: does anyone suppose that he can write to the Supreme Court and be put on the mailing list for the records and briefs filed in that court? Regardless of the reader demand, the librarian cannot supply this material in its original format. Legislative histories in conventional book form are seldom printed, although the material from which they are made is perhaps common enough. And what about the market availability of old session laws, or constitutional conventions, or early compilations? Availability is certainly a factor to be considered.

Another which concerns all librarians is the matter of cost. Librarians are constantly making choices between items, since their budgets are not unlimited. Let us suppose that it were possible to purchase twenty desiderata, all of equal importance to the library, in microfacsimile for $50, whereas each would cost $50 in the original. While the librarian can justify the purchase of one original for $50, instead of microfacsimiles of twenty, his decision must take into account the cost differential.

Under present conditions, two problems contribute to the librarian's difficulties. The quality of the paper upon which the materials are printed raises doubt as to its lasting quality: is the book we put on our shelves going to last? And each book we add to the col-

lection contributes to the problem of space. These are factors which confront all librarians, and must be considered in any acquisitions program.

One last element, the real need of a library for the original edition and format. Consideration must be given to the position of the library in the community and the state, its obligation to be able to supply material in book format for use in the courts or elsewhere, and to act as the curator of historical documents. The five law libraries within a fifteen mile radius of City Hall in Philadelphia may have, as separate units, different obligations than the law libraries of Idaho.

How do these factors apply to specific kinds of materials? Let us consider session laws and statutory compilations. It is clear that the frequency of use of the current statutory compilations is so great that on this factor alone we would have to purchase the material in book form. But as we go back in time the amount of use diminishes rapidly until it scarcely can be regarded as a factor. We should be perfectly honest when we calculate the use of early compilations and session laws. Aside from the occasional use of the laws of the state where the library is located, can we really say that the early session laws are used more than very rarely? The cost of session laws is considerable, and the earlier they are, the more expensive they become. The very early ones, which are extremely expensive, are also not often available on the open market. All factors seem to indicate that microfacsimile is the indicated method of completing a collection of session laws. If after sixty-five years of existence, a library has only three sessions of Virginia laws prior to 1800, it seems unlikely that it will ever complete the set. What is the value to the library of three scattered sessions? The expenditure of perhaps $100 will purchase on microfilm as complete a run of Virginia session laws up through 1812 as it is possible to assemble. Sale of the three odd volumes will go far toward paying for the reels of film. At one stroke the librarian has acquired a complete run, solved the space problem, and saved the library money. For the ordinary library that ought to be enough.

More modern material lends itself to the same treatment, with emphasis on different factors. The *Federal Register* is published on poor paper, which will not stand up under city atmospheric conditions. Moreover, it must be bound, and one year's products will occupy between two and three feet of shelving. It is also issued on microcards. The cost of the microcards is no more than the cost of binding and the microcards take up only about 5 inches of drawer space per year. On the basis of cost, space and permanence, microcards have a decided edge. The use factor is not as important as librarians would like to think. Each year the older volumes are used less and less: the recent issues are the ones which are used, and a library should subscribe currently to the regular issues of the *Register.* No one ever reads a volume of the *Register:* it is only consulted for a specific reference. Microcards do admirably for this kind of use. And to help the user, the annual index can be bound for his benefit. The *New York Law Journal* is another example of the kind of material

which is best kept in microfacsimile, on the grounds of space, cost and permanence.

The *Federal Register* and the *New York Law Journal* are available to any one with the price. But what about material which is not available to all? No library not now receiving the United States Supreme Court records and briefs can obtain them in the original format. But they are available in microfacsimile, and are more complete than the original sets which are distributed to libraries. Even those libraries which receive the original material might examine the relative merits of the original and the microfacsimile. The cost of acquiring and binding the originals exceeds the cost of the microfacsimile. The bound volumes take up forty to fifty feet of shelving for each term: twelve years on microfilm and microcard occupy a space 2½ by 1½ by 3 feet.

In other areas questions as between original and reproduction arise. Many libraries have incomplete runs of legal periodicals and occasional volumes of reports. For years the librarians have been looking over lists for the missing volumes and numbers, and yet the volumes are still missing from their shelves. The material is not available, or at least not at a price which the librarian believes he can afford. Will he settle for a microfacsimile? Most will not, because it is not an original. The factors of price, availability and space favor the microfacsimile, but the factor of the original is against it. How important is this factor? Must we have the item in the original? The librarians say so, because of the supposed demands of their readers. All of us have at least one reader who would not *knowingly* use a reprint, but he does so blithely when he is unaware of the fact. In most cases the demand that the library have the original is a fetish. We will buy a photofacsimile, simply because it looks and feels like the original, although we might refuse to buy a reprint. In the photofacsimile we do not have an original, except as to format. What is the difference between a photofacsimile and a microfacsimile? None, so far as text is concerned. All one can say is that the one is a book, while the other is quite different in format. When we take into consideration the difference in price, the reasonable decision would be to buy the microfacsimile. Wouldn't volume 2 of *McGloin* be as satisfactory in microfacsimile as in photofacsimile in your library?

The problem of rebinding an old or seldom-used set also raises the question of original versus microfacsimile. The factors of cost of rebinding, space and use, as against the cost of the microfacsimile, might well persuade the librarian to discard the bound volume and rely on the microfacsimile. Of course, if the rebinding is necessitated by current and constant use, microfacsimiles are not the answer. *A.L.R.* on microcards would not provide good service in most law libraries, whereas in many, *L.R.A.*, available only in that form, might well prove to be adequate. Certainly the question of original versus microfacsimile in this area needs more study than it usually gets.

There are libraries which have an obligation to have the original, where possible. But where the library with this obligation does not have the origi-

nal and is likely never to have it, is it fulfilling its function when it refuses to acquire the material in a different form? Isn't it under an obligation to make the material available in some form? The Biddle Law Library is disposing of its early broken runs of session laws. But it is aware of its obligations to the community. No volume is sold until after it has been offered to the Rare Book Room of the University Library and to the Library of the Philadelphia Bar Association. Volumes not wanted by these libraries are sold and the proceeds used to purchase session laws on microfilm. As a result of this program, the session law collection of the Biddle Law Library is becoming as complete as any in the country (though not in the original format, to be sure), the rare items are retained by the University Library, and the Bar Association collection of session laws has been strengthened. It seems a reasonable course for this particular library to pursue.

The librarian may say that he has an obligation to the community to have the original. That, of course, may be true, and a proper philosophy for his library. But there may, and perhaps will, come a time when this philosophy will clash with another philosophy, that of the greatest service possible within the means of the institution. This clash will present a nice question to the librarian, and he had best begin to prepare to meet it before it is upon him.

A good case can be made out for the use of microfacsimile by the law libraries. Why is such use so limited? The material offered so far has been of limited appeal, it may be true, but one cannot blame a publisher for not publishing material which will not be purchased in any event. The fundamental difficulty is the attitude of the librarian. To him, a book is a book is a book. He is too much attached to books as such. Some can afford to be bibliophiles, but all of us have to render service. We should place the emphasis where it belongs: what are we doing for our readers?

Librarians frequently say that the users of the library will not use microfacsimile. "You can't get our readers to use microfilm." That simply is not so. They would prefer books, of course, but when it is a matter of microfilm or nothing, they will take microfilm. Granted that microfacsimiles cannot be marked for copying, nor can pages be cut out for the file or classroom notes. These are advantages of a book, but they are not the kind we necessarily applaud. Readers are asked to suffer some inconvenience in order to have the material. In eight years no member of this faculty has taken the fifteen minute street car ride to City Hall to look at the Bar Association set of U. S. records and briefs: they are delighted to be able to use our microfacsimile. And does anyone imagine that Lawyers Co-operative Publishing Company is investing thousands of dollars in Microlex on the theory that lawyers will not use *A.L.R.* on microcards?

One element has not been mentioned, and it is really the most important one of all: the stature of the law librarian as an administrator in the institution which he serves. All budget authorities are concerned with costs, whether for current expense or

for capital outlay. We may have space to spare today, but the time will come when more space will be needed. At that time we, or our successors, may be asked what we have done to postpone the need or to reduce its magnitude, as well as what we have done to keep down current expenses over the years. If satisfactory answers cannot be given, criticism of librarians will be justified. We cannot shrug off our responsibility, on the theory that we will be gone when that embarrassing moment arrives. We owe it, not only to ourselves, but to our successors, that we make decisions which will not reflect on the profession. Perhaps it is time that we took another look at microfacsimiles: they do not supply all of the answers, but they certainly deserve more attention than they have received in the past.

Joseph Story's *Encyclopedia Americana* "Law Articles"

by JOHN C. HOGAN, *Research Editor*
The Rand Corporation, Santa Monica, California

There has been a significant revival of interest in the United States, and elsewhere, in the life and writings of Supreme Court Justice Joseph Story. A number of independent research studies involving the Story manuscripts and other materials have been undertaken recently at Columbia University, at Harvard University, at the Supreme Court Library in Washington, at the University of Brazil, and in California. The purpose of these studies has been to construct a statement of Justice Story's life and work, to compile an exhaustive bibliography of his writings, to translate into English his foreign language articles on American law, to identify and to reproduce his anonymous law articles, and to summarize the influence of his ideas on American and foreign law. In this connection, a full length biography of Justice Story is already underway.

Professor Henry Steel Commager at Columbia is writing the biography;[1] Professor Kurt H. Nadelman at Harvard has published the translations of Story's German and French articles on American law;[2] Supreme Court Librarian Helen Newman, as a part of her forthcoming bibliography of Supreme Court Justices has prepared the list of over 150 items written by or about Story;[3] Professor Harõldo Valladõ at the University of Brazil has published the study of Story's influence on the development of conflict of laws in the Latin American countries;[4] and the writer has compiled and edited Story's anonymous law articles from the *Encyclopedia Americana*, and these are being published in various law journals in the United States.[5] These are the principal investigations of the Joseph Story materials which are either underway or for which results were disclosed during the past year.

The *literate* among Supreme Court Justices have been many, but those Justices who have contributed to the body of American law through specialized treatises have been few. Mar-

1. Letter to the writer, January 17, 1951.

2. *Cf.* Nadelmann, "Joseph Story's Sketch of American Law," 3 *American Journal of Comparative Law* (1954) 3 ff; Nadlemann, "De l'organisation et de la jurisprudence des Cours de Justice aux Etats-Unis d'Amerique, par M. Joseph Story," 30 *Boston Univ. L. Rev.* 382 (1950).

3. Typewritten list entitled "Joseph Story, 1779-1845," 6 pp.

4. *Cf.* Vallado, *The Influence of Joseph Story on Latin American Rules of Conflict of Laws*, 3 *Am. J. Comp. L.* 27 (1945).

5. *Cf.* Hogan, *Joseph Story's Anonymous Law Articles*, 52 *Mich. L. Rev.* 870 (1954); Hogan, *Three Essays on the Law by Joseph Story*, 28 *So. Cal. L. Rev.* 19 (1954); Hogan, *Joseph Story's Essay on Natural Law, Oreg. L. Rev.* (March, 1955); Hogan, *Blackstone's Influence on the Development of Law In America as Illustrated by Joseph Story's Anonymous Law Article on Criminal Law, Stanford L. Rev.* (to be published in 1955); Hogan, *Joseph Story's Views on Capital Punishment, Cal. L. Rev.* (to be published in 1955).

shall, Story, Holmes, and Cardozo have been the principal contributors, and Story, perhaps more than any of the others, attained distinction in this manner. A large part of Justice Story's life was devoted to writing about the law. Thus, his son, William Wetmore Story, has declared:

> "When we review his public life, the amount of labor accomplished by him seems enormous. Its mere recapitulation is sufficient to appall an ordinary mind. The judgments delivered by him on his Circuits, comprehend thirteen volumes, of which he wrote a full share. His various treatises on legal subjects cover thirteen volumes, besides a volume of Pleadings. He edited and annotated three different treatises, with copious notes, and published a volume of Poems.
>
> "He delivered and published eight discourses on literary and scientific subjects before different societies. He wrote biographical sketches of ten of his contemporaries; six elaborate reviews for the Congress. He delivered many elaborate speeches in the Legislature of Massachusetts and the Congress of the United States. He contributed a large number of valuable articles to the *Encyclopedia Americana*, and to the *American Jurist*. He also drew up many other papers of importance, among which, are the argument before Harvard College, on the subject of the Fellows of the University; the Reports on Codification, and on the salaries of the Judiciary; several very important Acts of Congress, such as the Crimes Act, the Judiciary Act, the Bankrupt Act, besides many other smaller matters.
>
> "In quantity, all other authors in the English Law, and Judges, must yield to him the palm. The labors of Coke, Eldon, and Mansfield, among Judges, are not to be compared to his in amount. And no jurist, in the common law, can be measured with him, in extent and variety of labor."[6]

Justice Story's most productive period, insofar as legal treatise writing is concerned, was the years from about 1830 until his death in 1845. In these fifteen years, he published nine major treatises or *Commentaries* on the law:[7] *The Law of Bailments* (1832); *The Constitution of the United States* (3 vols., 1833); *The Conflict of Laws* (1834); *Equity Jurisprudence* (2 vols., 1836); *Equity Pleadings* (1838); *The Law of Agency* (1839); *The Law of Partnership* (1841); *The Law of Bills of Exchange* (1843); *The Law of Promissory Notes* (1845); and a series of eighteen anonymous law articles in the first edition of the *Encyclopedia Americana* (1829-1833).[8]

Among Justice Story's most important legal writings are the unsigned articles on law which appeared in the first edition of the *Encyclopedia Americana*. Story agreed to prepare these articles for the *Encyclopedia*, but requested that his identity be withheld until after they had appeared in print.[9]

6. Story, 2 *Life and Letters of Joseph Story* 566 (1851).

7. *Cf. Webster's Biographical Dictionary* 1418 (1st ed., 1943).

8. In addition to the eighteen anonymous law articles in the first edition of the *Encyclopedia Americana*, Justice Story also wrote the unsigned notes on prize practice which appeared in the appendices to Wheaton's *Reports*. Reporter Wheaton did not disclose Story's authorship of these notes; Story later said: "I made it an express condition, that the notes furnished by me should pass as his own." From Story's memo book, June 12, 1819, quoted in Story, 1 *Life and Letters of Joseph Story* 283 (1851). It is possible that there are other anonymous law articles written by Justice Story and published in law journals which have not yet been identified by legal historians.

9. Lieber, *On Civil Liberty and Self-Government* 213 n. 3 (1883). The negotiation for the preparation of these articles was a personal affair between Justice Story and Dr. Lieber, the Editor of the *Encyclopedia*. Lieber points out that when he complained of his embarrassment as to getting proper articles on the main topics of the law for the *Encyclopedia*, Story made the offer to contribute the articles, and that Story "himself made out the list of articles to be contributed by him." But Story's offer was conditional, namely that Lieber would "not publish the fact that he had contributed the articles in the work until some period subsequent to their appearance. . . ." *Ibid.* As a result, the articles were published anonymously, in volumes 3 (1830), 4 (1830), 5 (1831), 7 (1831), 9 (1832), 10 (1832), and 12 (1832) of the *Encyclopedia*.

The editors of the *Encyclopedia* complied with this request, and the articles were published anonymously, except for an occasional footnote which declared: "This article prepared by an eminent American Jurist."[10] It was not until the final volume in the series was published in 1833 that Story's authorship of the articles was disclosed.[11] Concerning his father's contributions to the *Encyclopedia Americana,* William Wetmore Story later declared:

> "With a characteristic generosity, he devoted his services gratuitously to the assistance of his friend, Dr. Francis Lieber, who was then engaged in preparing the *Encyclopedia Americana* a work based upon the German *Conversations Lexicon,* and in part a modified translation of it, but enriched with a large number of original articles. For the third volume of this valuable work, my father prepared during this year [1830] the articles on *Common Law, Congress of the United States, Conquest, Contracts, Corpus Delicti,* and *Courts of England and the United States.*
>
> "Nor did his labor cease here. For the subsequent volumes of this work, he afterwards contributed the articles on *Criminal Law, Death Punishment, Domicil, Equity, Evidence, Jury, Lien, Law, Legislation, and Codes, Natural Law, National Law, Prize,* and *Usury.* The articles, which are written with his usual ability, comprise more than 120 pages closely printed in double columns."[12]

All of these articles have been compiled from the *Encyclopedia;* some of them have been found to contain material outside the scope of Story's best known writings;[13] others are in the nature of restatements or interpretations of Blackstone's discussion of the same topics;[14] and one of the articles is not an original work by Justice Story, but an edited translation of a German article on the subject.[15]

Justice Story was in the prime of his judicial and writing career at the time he prepared these law articles. He was not yet fifty years of age and had been a Justice of the United States Supreme Court for seventeen years. His judicial duties required that he spend part of his time in Washington with the business of the Supreme Court and then "ride circuit" in the great maritime districts of Maine, New Hampshire, Massachusetts, and Rhode Island. Story's correspondence with Dr. Francis Lieber,[16] the Editor of the *Encyclopedia,* discloses that it was in between trips to his Circuit and to the Supreme Court in Washington that he found time to write many of the articles. Thus, from Salem, on May 21, 1828, Story wrote Lieber that: "I can prepare an article on the Supreme Court as soon as my circuit is over."[17] On February 23, 1831 he wrote that: "I have no objection to write the arti-

10. 7 *Encyclopedia Americana* 278 note (1831).

11. 13 *Encyclopedia Americana* 3 (1833).

12. Story, 2 *Life and Letters of Joseph Story* 26 (1851).

13. See note 5 above.

14. Blackstone's *Commentaries on the Laws of England* has been one of the principal roots whereby the law in America was connected with the common law of England. Justice Story recognized the significance of Blackstone's writings on the law and frequently consulted the *Commentaries* for his reasoning and authority. It therefore is not surprising to find that a number of the law articles, namely those on "Jury" and "Criminal Law," are in the nature of restatements or interpretations of Blackstone's remarks on these subjects. In these articles, Story frequently paraphrases Blackstone, and sometimes uses direct quotations from the *Commentaries* without indicating by marks or citations that he is quoting. It therefore is quite proper to say that these articles represent Justice Story's interpretation of Blackstone. See note 5 above.

15. The article on *Corpus Delicti* is an edited translation of the discussion of this subject which appeared in the 1827 edition of the Brockhaus *Conversations Lexicon.* An article on this subject is being written.

16. These letters are in the Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

17. Story to Lieber, May 21, 1828, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

cle, *Jury*, if you can wait until my return home."[18] On October 6, 1831, on the eve of his departure for the circuit court in Maine, Story wrote Lieber that: "I have not forgotten my promise respecting the articles *National* and *Natural Law*. Notwithstanding my very pressing engagements during this month (the circuit court being in almost constant session), I hope to be able to give you both articles by the first of November, which is the earliest period I can promise." And he added: "I must write, indeed, under all the pressure, which my official and professional duties are capable of imposing upon me."[19] On December 13, 1831, Story wrote that: "I do not see how I could execute the article, *Prize*, in the short time before I go to Washington. . . . If the article were not wanted until my return from Washington I could write it in a fortnight."[20] The articles therefore, were written by Justice Story under the full pressure of his professional duties and in the intervals when he was not physically engaged in the performance of his duties as a Supreme Court Justice.

Justice Story possessed the ability to compose and to write an article on a selected legal subject in an amazingly short period of time. His letters to Lieber often disclose when he began an article and when it was completed. Thus, on October 17, 1829 Story informed Lieber that: "I will finish the article, *Congress*, which is already begun, in a few days, within *ten* days, unless an earlier date is important to you."[21] There were delays, however, and the article entitled *Congress of the United States* was not ready until December 16th when it was finally sent to Lieber.[22] On July 22, 1830, Story informed Lieber that: "In a few days, I shall be able to write and send you the article *Domicil*."[23] And a week later, on July 29th, he sent the article, which contains annotations and a selected list of readings of cases and textbooks on the subject.[24] Concerning the article on *Jury*, which is more fully treated than some of the other law topics, Story wrote Lieber on February 23, 1831, that: "The Court will adjourn about the 18th or 19th of March. I shall be home by the 27th of the same month. And I can furnish it [*Jury*] by the 10th of April, if you can wait so long."[25] On December 19, 1831, Story wrote Lieber that: "I shall not return from Washington earlier than about the 25th of March. I could furnish the article *Prize* within *ten* days, after my return. It is even possible that I could furnish it earlier."[26] Considering the short time in which the

18. Story to Lieber, February 23, 1831, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

19. Story to Lieber, October 6, 1831, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

20. Story to Lieber, December 13, 1831, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

21. Story to Lieber, October 17, 1829, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

22. Story to Lieber, December 16, 1829, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

23. Story to Lieber, July 22, 1830, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

24. Story to Lieber, July 29, 1830, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

25. Story to Lieber, February 23, 1831, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

26. Story to Lieber, December 19, 1831, Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California.

articles were written by Justice Story, and the pressure of other business that divided his attention, they are undoubtedly original works from his pen with little revision or change. In this connection, it is interesting to observe that Story later referred to himself as a "miller" who had materials waiting to be worked upon.[27]

The importance of the Joseph Story anonymous law articles has only recently been recognized. It is said that Justice Story, with the help of Chancellor Kent, practically formulated a common law for the United States.[28] The principal sources heretofore available for a study of Story's activities in this connection have been his judicial opinions and his *Commentaries* on the law. But the law articles, which are concise statements of the law as it was recognized and applied in the United States in the 19th century, are an equally important source.

The real significance of these law articles, however, lies in their application to current problems in the law or to recent national and international developments. One of the articles—that on *National Law*—may be especially useful in this last mentioned connection.

We live today in a *nation* governed by law and not by men; but we live also in a *world* where the rule of law has been steadily deteriorating and where international law and order are openly and frequently violated—thus, the aircraft of one nation are shot to the ground without provocation by the aircraft of another nation; the nationals of one sovereign are taken into custody by a group of rulers and are held as prisoners in violation of the rules of international law; a whole race of people are held in subjugation and fear contrary to all principles of law and right; etc. The principles of international order set forth in the great books of Grotius, Puffendorf, Vattel, Burlamaqui, Bynkershoek, Chancellor Kent, and Henry Wheaton are today being disregarded and violated.

Dean Pound, in a recent article entitled *The Idea of a Universal Law*, published while he was at the University of Calcutta, declared that on "the whole, we seem to be committed to the path of a universal political legal order."[29] But he adds that:

> "Instead of ambitious work at the top of a universal political and legal organization of mankind and a universal law, is there not need of spade work at the bottom? Instead of formulation of precepts, should we not be seeking to create the universal ideal atmosphere in which precepts may develop and be made living law in a world prepared for them?"[30]

In this connection, it may be worth while to re-examine the general foundation on which *National Law* is said

27. Story wrote Lieber on April 10, 1836 as follows: "Think of this; that I have published a volume of six hundred and ninety pages last year, and am to write another the same size this year. Besides, I have a crowded correspondence of all sorts; and am like a miller, compelled to wait and give each his turn at the mill in due order. . . ." Story, *2 Life and Letters of Joseph Story* 230 (1851).

28. Haines, *The Revival of Natural Law Concepts* 118 (1930).

29. Pound, *The Idea of a Universal Law*, 1 *U.C.L.A. L. Rev.* 7 (1953). Dean Pound adds that "I should not want to hold back any well intentioned activity toward a universal regime of peace through justice according to law. But it is not inconsistent with a firm belief in the efficacy of effort to inquire how far it is reasonable to expect legislators and statesmen and jurists to achieve by charters or agreements or juristic doctrine what Hebrew prophets and Greek philosophers and medieval saints and philosophers and jurists and statesmen in the modern world have urged so long to so little purpose." *Ibid.*

30. *Ibid.*, p. 17.

to rest. In Dean Pound's words, to exercise some "spade work at the bottom."

Justice Joseph Story's article on *National Law,* which was written in 1832 —three decades before the Civil War —was an early effort in this direction. The article is not an investigation of the principles of the law of nations nor is it an exposition of the reasons on which this branch of jurisprudence is founded; rather, as Story says, it is a "practical summary" of the most important of these principles and "a guide to the actual state" of this branch of jurisprudence as it was recognized at that time. Story discusses first, and mainly, the "internal law of nations," or that which concerns a nation considered by itself; and secondly, the "external law of nations," or that which concerns its intercourse and relations with other states. Story declares that nations "are treated as moral persons possessing a sense of right and wrong, and responsible to the common Creator for a just discharge of all the duties common to the human race. They are bound to do justice, to perform the offices of humanity, and to render mutual assistance to each other, in the same manner, and upon the same principles, that bind individuals to like duties. If there is any difference, nations are under a superior obligation to perform all social duties, because their means are more extensive, and their authority more complete, than those of individuals. . . . However imperfectly these duties may, in a practical sense, be performed by nations, they are the clear result of undeniable principles of the law of nature, sanctioned and supported by the positive declarations of Christianity."

NATIONAL LAW *

By *national law,* or, as it is more commonly called, the *law of nations,* we understand that portion of public law which concerns the rights, duties and obligations of nations. This is a very comprehensive subject, and can only be glanced at in this place, since a full and accurate examination would occupy volumes.

Nations are considered as moral persons, having duties to perform, as well as right to enforce, and are bound to the observance of the great principles of justice, which are applicable to the relations which subsist between each nation and its own subjects, and between each nation and every other nation. Vattel has defined the law of nations to be the science which teaches the rights subsisting between nations or states, and the obligations correspondent to those rights. But it is obvious that here he speaks of one branch only of that law, and that he altogether passes by another most important branch, namely, the rights and obligations which subsist between the nation and its own subjects.

It would be more correct, therefore, to divide it into two great leading

* From 9 *Encyclopedia Americana* 141-149 (1832). [Mr. Hogan's interesting comments in the preceding pages raise the obvious need for reprinting this out of print article, which we are pleased to do as a public service.—Ed.]

heads, namely, the internal law of nations, or [sic] that which arises from the relations between different nations. The former may be properly called the *public law of the state,* whether it arise from the principles of natural justice, or from positive institution. The latter is appropriately called *international law,* and is again divisible into two heads, the one which regulates the rights, intercourse and obligations of nations, as such, with each other; the other, which regulates the rights and obligations more immediately belonging to their respective subjects. Thus the rights and duties of ambassadors belong to that head which respects the nation in its sovereign capacity; and the rights of the subjects of one nation to property situated within the territory of another nation, belong to the latter head. The former is frequently denominated the *public law of nations,* and the latter the *private law of nations.*

The general foundation on which the law of nations rests is the law of nature, or that system of principles which is deduced by human reason from the nature of man, and his social obligations, for the direction and government of human societies. Not that every principle of natural law is applicable to nations, in the same way and manner as it is to individuals; but that nations, being moral persons, are bound by the same principles, so far as they admit of a just application to them. And among Christian nations, these principles are illustrated and enforced by the superior sanctions and doctrines of divine revelation.

It is obvious that the principles of natural law are not, of themselves, sufficient to regulate, in a fixed and definitive manner, all the complicated relations of society; for, in many cases, no rule is, or can be, furnished by human reason, which is, necessarily, the sole and true rule to govern them. There are many cases in which the rule is a matter of indifference, or of convenience, or of arbitrary regulation; and every nation is free to adopt or reject the rule which is framed by another. There are, again, other cases, in which a nation may justly yield up its own strict rights, or modify them, without any departure from the principles of justice, or moral obligation.

The law of nations may, therefore, be divided into two great classes of principles, namely, those which arise from natural or universal law, and those which are of mere positive institution. The former is denominated the *universal law of nations;* the latter, the *positive law of nations.* And the latter is again divisible into the *customary law,* or that which arises from the silent consent of nations, as evidenced by general usages and customs, and habits of intercourse; and the *conventional law,* which arises from express compacts, or treaties between nations, or in a particular state, from the fundamental constitution of such state.

We do not propose, in this place, to enter upon any theoretical investigation of the principles of the law of nations, but merely to present a practical summary of the most important of them. Our object is to furnish a guide to the actual state of this branch

of public jurisprudence, rather than an exposition of the reasons on which it is founded. In considering this subject, it is our design to treat, first, of the internal law of nations, or that which concerns a nation considered by itself; and, secondly, the external law of nations, or that which concerns its intercourse and relations with other states.

Nations Considered in Themselves. When any society of men, or body politic, is united for the purposes of government, and for mutual protection, we are accustomed to call such society, or body politic, a *state,* or *nation.* To every state, or nation, we ascribe the attributes of sovereignty, independence, and equality with every other. Every nation which governs itself, without dependence upon any foreign power, is deemed a sovereign state.

By *sovereignty,* is meant the absolute right to exercise supreme power, without any responsibility to any superior, except God. This is sovereignty, in its largest sense; and in this view it is despotic and uncontrollable. But it must not be understood that the possession of such an absolute, despotic sovereignty, is indispensable to the existence of a nation, or that it is ordinarily conferred, or proper to be conferred, upon its own functionaries. All that is meant is, that it is competent for the people composing any state, or nation, to exercise such power, or to confide it to their public functionaries; and the exercise of it by either cannot, properly, be questioned by any foreign state or government. Theoretically speaking, this absolute sovereignty may be said to be inherent in every nation, as a potential attribute; but, practically speaking, it rarely has any existence, as an actual attribute, in the organization of any government.

The forms of government are divisible into three sorts: democracies, or governments by the people; aristocracies, or governments of a select few; and monarchies, or governments of a single head; and each of these may be variously mixed up with the others, so as to form a complex government, such as a representative democracy, or republic, or a limited monarchy, or a limited aristocracy. In a pure despotism, indeed, all sovereign power is concentrated in the head; but such a government rarely exists; for, in governments usually styled despotic, the customs and institutions of the society, and the habits, and manners, and opinions of the people generally, interpose some indirect checks, and compel the sovereign to yield a practical obedience to some limits prescribed to his prerogatives. If he does not, there is often an ultimate resort of popular or aristocratical power, which, by cutting him off, administers an effectual, though sanguinary remedy.

In free governments, this despotic sovereignty is a mere residuary power in the people, if it can be said to have any positive existence at all. It never is confided to any public functionaries, except for transitory purposes; and it is contrary to the theoretical principles of such governments that it should be intrusted, as a permanent attribute, to the legislative, executive, or judicial departments.

Nations, therefore, in a just sense,

are deemed sovereign, not so much because they possess the absolute right to exercise, in their actual organization, such transcendent and despotic authority, but because whatever they do exercise is independent of and uncontrollable by any foreign nation. The sovereignty of many nations is, in its actual organization, limited by their own constitutions of government; but in relation to all foreign states, the sovereignty is, nevertheless, complete and perfect. And a nation may even have a limited connexion with or dependence upon other nations, and yet retain a general sovereignty, in all other respects, and thus entitle itself to be deemed a sovereign nation, if it still possesses the power to govern itself by its own authority and laws.

In respect to each other, then, nations possessed of sovereignty, in the limited sense above stated, are deemed equals, and are entitled to the same general rights and privileges. Relative strength is of no consequence; it neither confers nor abstracts any sovereign power. Relative weakness creates no dependence, and, in a just sense, compels to no sacrifice of national attributes. In respect to its own internal concerns, every nation possesses general and supreme authority. How that authority shall be exercised, and by whom, depends upon the particular constitution of each state, and is subject to the modification and control of the national will, expressed in such manner as the people prescribe. The authority of the nation over all its members is, by the very act of association, deemed, in all that concerns the general welfare of the nation, complete and supreme. All the members are bound to obedience and allegiance; and, in return, the nation is bound to protect and preserve its members.

It may be proper, however, to express the rights and duties of a nation in a more exact form than can be communicated in such general propositions:

1. Every nation possesses full jurisdiction to create, alter, abolish, and regulate its own form of government, in such a manner as to provide, from time to time for its own safety and happiness.
2. Every nation possesses an exclusive jurisdiction, within its territory, over all persons and things therein.
3. Every nation possesses a right to demand the allegiance of all its own subjects, and to bind them by its own laws, whether they are at home or abroad.
4. Every nation has a right to the temporary allegiance and obedience of all persons who are strangers and foreigners, so long as they reside within its territorial limits.
5. Every nation has a right to exercise jurisdiction, in common with every other nation, upon the high seas, and in all other places not exclusively belonging to some other nation.
6. Every nation has a right to enforce its own regulations upon its own subjects, and upon all other persons sailing under its flag and protection upon the

high seas, and to govern its trade thereon, not interfering with the common rights of other nations.

7. Every nation has a right to hold all persons born within its limits, and not specially exempted by the law of nations, to be its subjects, and bound thereto by natural allegiance.
8. Every nation has a right to naturalize foreigners residing within its territory, at its own pleasure; but such naturalization cannot impair or destroy the rights of other nations, to whom they may previously owe allegiance.
9. Every nation possesses a supreme legislative, executive and judicial authority, and may confer such portion of these powers upon its public functionaries, for the purposes of its own safety, interest, and happiness, as it may deem proper.
10. Every nation has a right to acquire and hold property, as its own public domain, for public purposes.
11. The rights of persons, and the rights of property, within its territory, are subject to the control and regulation of every nation, according to its own constitution and laws.
12. The territory within the limits of every nation, not owned by any private persons, belongs to the nation, in its sovereign capacity.
13. Every nation, in virtue of its eminent domain, has, in cases of necessity, and for the public safety and happiness, a right to dispose of any portion of the wealth or property of its subjects.
14. Every nation possesses the power, in virtue of its sovereignty, to punish all crimes committed against it, and to enforce all civil obligations due to it from persons subjected to its authority.

Such are some of the more important rights of sovereignty, belonging to nations.

We may now enumerate some of their duties:

1. Every nation is bound to protect the rights and possessions of its subjects against all aggressions.
2. Every nation is bound to prevent its subjects from doing any wrong or injustice to the subjects of other countries.
3. Every nation, in virtue of its obligation to preserve the peace, safety, liberty and happiness of its own subjects, is bound to provide for the enactment of all good and wholesome laws for these purposes; and, especially, to provide for the necessities of the nation itself; to promote agriculture, commerce, manufacture, and all lawful pursuits, which are calculated to relieve the wants, promote the prosperity or encourage the just enterprise of its subjects.
4. Every nation is bound to provide for the due and regular administration of justice; for the redress of wrongs; for the preservation of civil, political and religious liberty; for the cultivation of piety and sound morals; for the

> suppression of vice; for public education and instruction; and for all other objects which are essential to the true interests and happiness of the people.

Such, in a general view, are some of the more important duties of nations, in respect to their internal concerns.

It has been already stated that every nation possesses a right to all territory within its own limits, not belonging to private persons; and it may be added, that, as all such territory is held for the national benefit, it may be alienated, and disposed of, according to the will of the nation. All property, however acquired by the nation, is subject to the like disposition. Thus all the national revenues arising from taxation, or rents, or other income, or resources, may be applied as the nation deems proper for its own welfare.

But there are many things which a nation holds for the public use and benefit, in respect to which all the subjects possess, or may possess, a common right of enjoyment. Thus rivers, lakes, and arms of the sea, within the limits of the territory of a nation, are possessed and owned by the nation, in virtue of its occupation of the adjacent country; and, until alienated, they are held for the common benefit of all the people, and may be used by all the people for the purpose of fishing and navigation. Of the like nature are roads, and highways, and canals, established and supported at the expense of the nation. All these territorial rights and possessions, however, are subject to the municipal regulations of every nation, according to its own choice and constitution of government.

Of Nations, Considered in Relation to Each Other. The basis on which all the rights and duties of nations, in their intercourse with each other, rests is the fundamental maxims that they are all moral persons and that each has a perfect equality, in sovereignty and social rights, with every other. They are treated as moral persons possessing a sense of right and wrong, and responsible to the common Creator for a just discharge of all the duties common to the human race. They are bound to do justice, to perform the offices of humanity, and to render mutual assistance to each other, in the same manner, and upon the same principles, that bind individuals to like duties. If there is any difference, nations are under a superior obligation to perform all social duties, because their means are more extensive, and their authority more complete, than those of individuals.

Hence it is the duty of every nation to succor and assist another that is suffering by famine, pestilence, or other calamity; to cultivate friendship and good will towards all others; to abstain from all injury and wrong to all others; and to cherish, as far as may be, an honest and frank intercourse with all others, upon principles of reciprocal benevolence. However imperfectly these duties may, in a practical sense, be performed by nations, they are the clear result of undeniable principles of the law of nature, sanctioned and supported by the positive declarations of Christianity.

The other maxim, to which we have alluded, is the perfect equality of nations, whether great or small, maritime or inland, strong or weak. In this re-

spect, they are treated like individuals, who, however differing in capacity and strength, are deemed entitled to equal rights and privileges, in the general scale of the human race. In a just sense, then, all nations are of equal rank and dignity, although, by custom and usage, a precedency in mere matters of ceremony and courtesy is often conceded to nations which have a high antiquity, or superior renown, or uncommon power.

The rights and duties of nations, in regard to each other, may be divided into two general heads—those which belong to a state of peace, and those which belong to a state of war. We shall first treat of those which belong to a state of peace.

1. Every nation is bound to abstain from all interference with the domain of other nations. That domain extends to every thing which a nation is in possession of by a just title, whether it be by purchase, or cession, or conquest, or by a title founded solely on a long possession. In respect to foreign nations, not only the public domain, but all the private property of the subjects of a nation, situated within its limits, is deemed the property of the nation. This right of domain is exclusive; and, consequently, no nation can rightfully exercise any jurisdiction or sovereignty within the territories of another, either over persons or things. If a nation chooses to leave some part of its territory desert and uncultivated, this does not justify any other nation in seizing upon or occupying it. But, where a desert territory has no owner, there the nation that first discovers or occupies it, is generally allowed to possess a just title to it. But if the territory, when discovered, is occupied by inhabitants, no just right exists to expel or to subdue them, upon any recognised principles of national law. Such inhabitants have just as good a title, founded upon possession, as can be claimed by any other people.

2. Where two nations border on a river, or lake, or arm of the sea, it often becomes a matter of dispute how far the limits of each extend, and how far either may exercise exclusive jurisdiction over such places. No principles can be laid down which will embrace all cases of this sort. But as a nation may acquire exclusive dominion in a river, lake, or arm of the sea, some rules have been laid down as guides on this subject. When a nation takes possession of a country bounded by a river, it is considered as appropriating to itself the river also, if there is no adverse possession or appropriation. In such cases, a priority of possession or occupation is generally allowed to give the superior right. If a nation has long enjoyed the exclusive use of such river, lake, or arm of the sea, for navigation, fishing, etc., that is understood to strengthen its title of possession. If no priority of occupation is, or can be established, by either of two nations inhabiting the opposite banks of a river, each is considered as having an equal title; and, in such a case, the right of dominion of each will extend to the middle of the stream of the river (*usque ad filum aquae*). Where a nation possesses the territory on both sides of a river, so far as such territory extends, it is deemed to be the owner of the river itself; but other nations, owning, in like manner, above or below, on the same river, may have a

right of passage, or other servitude. In respect to the main sea, in former times, several nations laid claims to an exclusive dominion, or, at least, to a pre-eminence in and over certain parts of it. But the general doctrine now maintained is, that all nations have equal and common rights on the high sea, and they are not bound to admit any superiority there. The sea which washes the coast of a nation, to the extent of a cannon-shot, or a marine league, is now deemed to be a part of the territory of the nation, over which it may, for its own protection, exercise an exclusive jurisdiction. And, in respect to persons subjected to its laws, every nation now claims a right to exercise jurisdiction on the high seas, for the purpose of enforcing, not only the law of nations, but its own municipal regulations.

3. From the exclusive jurisdiction and sovereignty of a nation, within its domain, it follows, that no other nation has a right to punish for crimes committed by its own subjects therein. No foreign nation has a right to pursue any criminal, or fugitive from justice, therein; but its claim, if any, is a mere right to demand him from the nation itself. From this peculiar and exclusive jurisdiction, which a nation exercises within its own territory, over persons and things, other nations are accustomed, upon principles of comity and general convenience, to respect the decisions of the local tribunals, and to recognize the rights generally derived from them. It might otherwise happen that, with every change of domicil, the entire rights of property might be subjected to new litigation; and a judgment, valid where it was rendered, might be set aside by a tribunal having no competency to exercise an appellate jurisdiction.

4. Every nation has a right to regulate its own intercourse and commerce with other nations, not denying them just rights, in such a manner as is most conducive to its own prosperity and interests. It ought not, however, to restrict commerce, which is generally beneficial to all mankind, beyond what a just care of its own interests dictates. And it will not, if it be wise, impose any restrictions upon trade, which tend to a destruction of free commerce, or to create an unjust monopoly.

In respect to its conduct towards foreigners, every nation seems under a moral obligation to treat them with respect, kindness, and humanity, during their sojourn within its territories. And though, strictly speaking, no foreigner has any right to claim a permanent domicil, or to exercise his trade or business within its territories, any interferences with the ordinary pursuits of such persons is generally deemed a harsh exercise of power. And if a nation allows foreigners to enter into its territory, it is bound to respect their rights, so long as they conduct themselves peaceably; and if, in breach of good faith, it proceeds to punish them vindictively, when they have committed no offence, it is justly responsible for its conduct to the nation to which they belong. Foreigners, however, are bound to obey the laws of a country, as long as they reside within it, and under its protection. And as they are amenable to its laws, so they ought, in reason, to have the assistance of its courts of justice to vindicate their own rights. The property held by for-

eigners within a country, according to the laws, ought to be protected in the same manner as that of natives. It is a general rule among nations to regulate the descent, distribution and alienation of immovable property exclusively by the laws of the country wherein it lies.

As to movable property, it is now a common custom, and seems most reasonable and just, to allow foreigners the liberty of disposing of it by will, or otherwise, according to the laws of their own country, or of their own permanent domicil. Some governments, in the case of the death of foreigners within their territory, have exercised a very harsh right of appropriating the property left by such persons to themselves. But this exercise of right, or rather of power, has been generally discountenanced, in latter times, among civilized nations. The rights of foreigners are, however, so much a matter of municipal regulation and policy, that it is difficult to lay down more than a few very general principles on the subject.

5. How far a nation is bound to concede to others the exercise of any rights, within its own territory, has been a matter of much speculation among writers on the law of nations. It has been often asked, whether a nation has a right to demand, in case of necessity, that another shall supply it with provisions, or allow it to procure necessaries therein; whether a nation may insist upon a right of passage through the territory of another nation, either for persons or merchandise; whether it may claim for its subjects a right to reside in the territories of another nation; whether it may, of right, demand from a nation the free use of a thing, within its territory, which is inexhaustible, and is of innocent use, such as water. To all such questions there can be little more than a general reply, viz. that it is the duty of every nation to concede to the necessities of others whatever may not incommode itself, or affect its interests, or endanger its peace or prosperity.

6. The intercourse between nations can scarcely be beneficially carried on without the instrumentality of some public agent. They may have disputes to adjust, injuries to redress, rights to ascertain, mutual objects and interests to promote—all of which may require great deliberation and many conferences. It is obviously impossible for the government of a nation to carry on its negotiations at a distance, without the aid of some public functionaries, who shall represent its sovereignty, and have authority to act in regard to its rights.

Hence arises the right of every nation to send and to receive ambassadors, and other public ministers. And this right of embassy, inasmuch as its tendency is to promote justice, harmony, peace, and social virtue, among nations, has always been deemed peculiarly sacred. The law of ambassadors forms, therefore, a large head in the law of nations; and it is observed with a jealous and scrupulous care by all civilized nations. As representatives of the nation itself, ambassadors, and other public ministers, are exempted from all responsibility to the civil and criminal jurisdiction of the countries to which they are sent. Their persons are held sacred and inviolable. Their property, and servants, and retinue,

enjoy a like privilege. Their houses are deemed, in some sort, asylums; and they have many privileges conceded to them, which do not belong to any other persons in the country where they reside. These rights, and privileges, and immunities, are not, however, to be considered as favors granted to the individual, but as a sovereign claim and public security insisted on by all nations, and refused by none. The peace and safety of all nations are essentially connected with the strict observance of them; and they are rarely infringed, except under circumstances of peculiar aggravation and injury.

7. It is through the medium of ambassadors, and other public ministers, that treaties, conventions, and other compacts between nations, are usually negotiated, thus forming a positive code for the regulation of their mutual rights, duties and interests. In the modern practice of nations, such treaties and compacts are not generally deemed final and conclusive until they have been ratified by the respective governments to which the negotiators belong. When made, such treaties possess the highest sanctity and obligatory force. They are, indeed, sometimes violated; but they never can be justly violated, except in case of great and positive wrongs on the side of the other contracting party, or from extreme necessity, or from a change of circumstances, which renders them wholly inapplicable or unjust.

Many rules have been laid down for the interpretation of treaties. But they all resolve themselves, ultimately, into one great maxim, which is, that they are to be understood and construed according to their obvious meaning, and the intention of the contracting parties. Treaties may be dissolved in several ways: first, by the voluntary assent of the parties; secondly, by a formal dissolution, pronounced by one of the parties, acting upon its own responsibility, in the exercise of sovereign authority; thirdly, by operation of law, as in cases where the contracting parties lose their distinct sovereignty, and became incorporated into a single nation; fourthly, by implication, as when new treaties are formed between the parties upon the same subject, or new alliances are contracted, which are incompatible with existing treaties.

8. As to the modes of terminating disputes between nations. These are various—by compromise; by mediation; by arbitration; by conferences and congresses; by tacit acquiescences in the claims of the other side; and, lastly, on a failure of all these, by an ultimate resort to arms. This resort may be by a limited or by an unlimited warfare; by a limited warfare, as by retaliation, by reprisals, or other modified redress; by an unlimited warfare, as in cases of general hostilities in a public war. It is obvious, that a resort to arms can be properly had only when all peaceable means of redress have been exhausted, and for causes of an important nature. And this leads us to the consideration of the rights and duties of nations in regard to each other, which belong to a state of war.

First, Between the Nations at War. The right of declaring war results from the right of a nation to preserve its own existence, its own liberties, and its own essential interests. In a state

of nature, men have a right to employ force in self-defence; and, when they enter into society, this right is transferred to the government, and is an incident to sovereignty.

1. What are just causes for entering into war, is a question which has been much discussed by publicists. It is difficult to lay down any general rules on the subject, and nations must be ultimately left to decide for themselves, when the exigency arises. In general, it may be said, that war ought not to be entered into, except for very cogent reasons, as it necessarily involves much personal suffering, and many private as well as public sacrifices. No man can look upon the conflicts of armies and navies, the pillage of cities, the devastation of provinces, and the destruction of property and of life, which it unavoidably involves, without feeling that a deep moral responsibility attaches upon the nation which undertakes it. Defensive wars are necessarily justifiable from the fact, that they involve the existence or safety of the nation and its interests. But offensive wars are of a very different character, and can be justified only in cases of aggravated wrongs, or vital injuries.

2. In respect to the mode of declaring war. It may be formal, as by a public declaration, or informal, as by actual hostilities. In modern times, nations are accustomed, generally, to make a public declaration, and to justify themselves before the world, by a manifesto of their reasons.

3. The effects of a declaration of war. The first effect is to put all the subjects of each of the nations in a state of hostility to each other. All public and all private social-intercourse are suspended between them. They are not at liberty to engage in trade, or commerce, or contract, with each other; and they retain the character of enemies, in whatever country they may be found. In the next place, all the property belonging to each is deemed hostile. If it be personal property, it may be captured as prize; if lands, it may be seized, and confiscated, at the pleasure of the sovereign; if it be merely in debts or stock, it may, in the extreme exercise of the laws of war, be equally liable to confiscation. In general, each nation restrains the right to make captures, and to carry on hostilities, to such persons as are in public employment, or to such as receive a public commission for this purpose. Mere private warfare is not allowed, except under many restrictions. Thus the usual modes of carrying on war are by armies, navies, and privateers, acting under the immediate authority of the government.

4. But, although the extreme rights of war are thus rigorous and oppressive, there seems no reason to exclude, even between enemies, the common duties of humanity. While the battle rages, indeed, every thing but slaughter and victory are forgotten. But, as soon as it is over, the conquerors are bound to treat the wounded with kindness, and the prisoners with a decent humanity. And they who knowingly offend, in these cases, are guilty of a gross violation of duty in the eyes of God and man. And there are some things which seem positively prohibited from their cruelty and brutal barbarity: such are the violation of female captives, the torturing of prisoners, the poisoning of wells, the

use of inhuman instruments of war.

5. In time of war, there is occasionally an intercourse between the belligerents, which should always be held sacred. Thus the granting of passports, and ransom of prisoners and property; the interchange of prisoners by cartels; the temporary suspension of hostilities by truces; the passage of flags of truce; the engaging in treaties of capitulation, in cases of besieged armies or cities—all these are matters which are held in great reverence, and demand the exercise of the utmost good faith. *A fortiori,* there should be a total absence of all fraud and stratagem, in cases where preliminary negotiations are entered into for the purpose of restoring peace.

6. In respect to captures made in war, they generally enure to the benefit of the sovereign, unless he has made some other positive distribution of them. When any conquest of territory is made, the inhabitants immediately pass under the dominion of the conqueror, and are subject to such laws as he chooses to impose upon them. Generally, it is for the interest, as it certainly is the common policy, of the conqueror to respect the rights of private persons and private property. But in strictness, his power over each is unlimited, unless so far as it may be restrained by articles of capitulation, or by moral or religious obligations. In cases of reconquest, the property, unless previously disposed of, returns to the original owner by the *jus postliminii,* in like manner as the restoration of a prisoner of war to his own country reinstates him in his prior rights.

7. There are also certain rights which war confers on the belligerents in respect to neutrals. Thus they have a right to blockade the ports, or besiege the cities, of their enemies, and to interdict all trade by neutrals with them. They have a right, also, to insist that neutrals shall conduct themselves with good faith, and abstain from all interference in the contest by supplying their enemy with things contraband of war. And if neutrals do so interfere, they have a right to punish them, either personally or by a confiscation of the property taken *in delicto.* And hence arises the incidental right of search of ships on the high seas, for the detection of contraband goods.

Secondly, the Rights and Duties of Neutrals. A neutral nation is bound to observe entire impartiality between the belligerents. It is bound to consider the war just on each side, at least to assume it to be so, so far as regards its own conduct. It should do nothing, therefore, which favors one party at the expense of the other; although, if it has previously entered into treaties with one of them, by which it is bound to lend a limited aid, by supplying stores or troops, it is obliged to conform to its treaty obligations. This becomes often a duty full of peril and difficulty, and, in many instances, will involve the neutral in all the embarrassments of becoming a party to the war; for the other side has a right to treat such interferences as acts of hostility, although, if they are of a very limited extent, they are often silently tolerated. Neutral nations are, strictly speaking, bound to compel their subjects to abstain from every interference in the

war, as by carrying contraband goods, serving in the hostile army, furnishing supplies, etc. In practice, however, in cases of contraband goods, the belligerents content themselves with exercising the right of confiscation; and the neutral nation submits to this as a just and fit remedy, without any complaint.

Subject to the exceptions above referred to, a neutral has a right to insist upon carrying on its ordinary commerce, with each of the belligerents, in the same manner as it had been accustomed to do in times of peace. Whether it may carry on a trade with either belligerent in war, which is interdicted in peace, is a point which has given rise to very sharp controversy in modern times, and especially between England and America, the former contending for the restriction to the accustomed trade, the latter insisting upon also carrying on the unaccustomed trade. Whether a neutral nation is bound to allow a passage to the troops of either belligerent through its own territory, is a point often discussed. Strictly speaking, neither party has a right to insist on such a passage; and if it is granted to either, and materially affects the fortune of the war, it is almost always construed as an act of hostility to the other party, and is resented accordingly.

A neutral nation has also a right to insist, that no hostilities shall be committed by the belligerents within its territorial limits. The persons and the property of enemies, which are within such limits, are deemed inviolable, and entitled to neutral protection. But the property of an enemy, found on board a neutral ship on the high seas, is deemed good prize, and *e converso* the property of a neutral, found on board of an enemy's ship, is deemed neutral. The reason for the difference is, that upon land the neutral sovereign has exclusive jurisdiction, within his own territory, over all persons and property within it. But all nations have a common jurisdiction on the high seas to enforce their rights, and the right of search carries with it an incidental jurisdiction over all enemy's property found therein, in the ships of a neutral. This right of search, however, is strictly confined to merchant ships, and is never extended to ships of war, belonging to the nation itself; for in such ships the national sovereignty is exclusive.

In general, too, the character of neutral, or enemy, is decided by the fact of domicil. A native-born subject of one belligerent, who resides in a neutral country, is treated, at least for the purposes of trade, as a neutral; and, on the other hand, a neutral subject, domiciled in an enemy's country, is treated, for the like purposes, as an enemy. In cases of civil war, the rights and duties of neutrals are not essentially different. Every neutral is bound to abstain from all active interference in the contest, on one side or the other. If the contest gives rise to the establishment of independent governments, formed out of the severance of the old empire, it is not deemed an act of hostility to recognize each as having a sovereign existence as a nation. But while the contest is dubious, and the affair wears the appearance of a mere private rebellion, such a recognition would be deemed an active interference to promote the civil war,

and therefore would, or at least might be resented as a departure from the neutral character.

Such is a very general outline of some of the more important principles which are recognised in the law of nations. To go into the details would require an entire treatise upon the law of prize, and another upon many complicated questions growing out of international rights and duties in times of peace.

Planning and Building a Basic Book Collection

by ARTHUR PULLING, *Librarian*
Villanova University Law Library

Planning and building up a basic collection of law books is an interesting challenge to any law librarian. If I had not learned that earlier, I did so about one year ago. On September 1, 1954, the Villanova University Law School opened its doors for the first time. I went there then to start up the law library.

Opinions vary as to how many books a law library should contain and what types of publications should be found there. Dean Pound once told me that he considered 135,000 volumes necessary for a good working library; a recent catalogue of a law school states that an adequate Anglo-American law collection should contain 100,000 volumes. Needless to say that school has such a collection. At Villanova we are considering building a stack area for 150,000 volumes.

As the building of law libraries has been my life work, I had a pretty good notion what a basic library should contain—that there should be:

(a) Constitutions, statutes, and session laws
(b) Court rules and judicial council reports
(c) Court reports
(d) Periodicals
(e) Text books
(f) Materials on taxation
(g) Administrative law materials

I had before me the minimum standards of a book collection as set forth by the Association of American Law Schools. Also, I knew the requirements of the American Bar Association and I found out to my surprise that the Regents of the State of New York had certain suggestions for libraries of law schools whose graduates might want to practice in New York. I also learned that inspectors from the American Bar Association and from the New York State Board of Regents would soon visit the School and want to pass on the library; an inspector from the Association of American Law Schools would come later.

Now, what should we collect:

CONSTITUTIONS, STATUTES, SESSION LAWS

It is exceedingly important for a library to build a complete collection of current state statutes (which should contain the constitutions) and session laws to date. Also annotated editions are desirable, first of your own state, second of adjacent states and then of other states as needed. Constitutional Convention Debates should also be secured.

As libraries are developed into good basic libraries, session laws and statutes are acquired, first back to 1900, then to 1800 and finally into the Colonial Period. Some of you may shudder at this and think "are they ever used?" They are. Just to mention one instance, a few years ago in the

Tidelands Cases, the colonial session laws for the Atlantic States were searched for laws relating to the Foreshore. At Villanova our session law collection now numbers more than 1,800 volumes.

COURT RULES AND JUDICIAL COUNCIL REPORTS

A complete collection should be the ultimate aim. Many may be acquired by gift. Others should be purchased according to needs and availability of funds.

COURT REPORTS

The Association of American Law Schools requires as a minimum the reports of nineteen states to the National Reporter System in addition to the reports of the state in which the law school is located. However, it has not noted which states should be included in this group.

The Board of Regents of the State of New York has assisted us in solving this problem. They suggest (for schools whose graduates may wish to practice in New York) that the library of a law school east of the Mississippi should contain the reports to the Reporter System of all states east of the Mississippi and a complete set of reports of New York. Likewise, a law school library west of the Mississippi should contain all reports to the Reporter System for the states west of the Mississippi River and also those of New York State.

Those of us who are starting to build a library for a school whose enrollment may eventually approach three hundred to four hundred students would do well to consider buying a complete set of the reports of more important states, i.e., more important to them, from the beginning to date. Oft times nearly complete sets of reports may be had for a price little more than the cost of sets to the reporter system. At Villanova we are doing just this and so far we have complete sets of official reports of 25 states and the District of Columbia. We have sets of reports to the Reporter System of 17 additional states. Also, we have practically all the lower court reports for New York and Pennsylvania.

Some of these sets were gifts of Philadelphia lawyers, others were gifts of friends throughout the country. In this game it is profitable to have good friends and many of them.

PERIODICALS

The Association requires 200 complete bound volumes of legal periodicals of recognized worth in complete sets unless not so available. It is my belief that in the development of a library this section should be given much attention at an early stage. Because periodicals go out of print so quickly, and publishers for financial or other reasons, fail to reprint out-of-print volumes, libraries should hasten to collect the best periodicals. At Villanova we have recognized the necessity of stressing the importance of a well-rounded periodical collection. We have acquired complete sets of about ninety periodicals. This selection contains all those included in groups A, B and C of the Report of the Special Committee on Library Collections presented at this meeting of the Association. For a long time volumes 1,

2 and 4 of the Index to Legal Periodicals were thought to be unprocurable. Recently volume 4 of the Index was reprinted. Volumes 1 and 2 of the original printing are available.

TEXT BOOKS

It is necessary for a librarian to provide textbooks for courses to be given at his school, not only the current textbooks, but the historical background material for the courses. This applies particularly to Property and Equity. As for Taxation, we cannot get along without Mertens, though it is keyed to the old Internal Revenue Code.

In addition we must have available what may be called a complete Tax Library which consists of:

Reports of the Board of Tax Appeals Memorandum Decisions
Tax Court Reports
U.S. Tax Cases or American Federal Tax Reports
A complete set of the Internal Revenue Cumulative Bulletins
A loose leaf service for each of the following:

(a) federal income taxation
(b) federal and state estate, gift and inheritance taxation
(c) Internal Revenue Code of 1954
(d) Tax Court Reports and Memorandum Decisions
(e) local state taxation

This is a large order for a small library but the course must be well documented.

Labor Law is another course that requires a loose leaf service in addition to the latest textbook on the subject; also, one needs the set of Labor Cases.

Law schools with Trade Regulations in their curriculum would do well to look at the CCH Trade Regulations Reports. The tenth edition of this four volume loose leaf service was announced last summer. The Federal Trade Commission Decisions are a must.

As a Library Administrator I always have been much concerned about the costs of Loose Leaf Service and the labor costs in filing the weekly additions.

The proceedings of Institutes of law schools on various subjects contain valuable discussions of topics of immediate use to nearly every law faculty. For the most part they are well edited.

The *Tentative Drafts* of the American Law Institute should be in every Law School Library.

ADMINISTRATIVE LAW MATERIAL

Early in the development of the Library every effort must be made to acquire Federal and State Administrative Law documents. Some of this material is available for the asking, some is quoted at a nominal price, but some will cost a few dollars.

I remember one item in this category that I needed quite badly. I found a copy priced at $75.00 which was more than I was willing to pay. I wrote a letter to a number of public libraries and finally secured a copy for nothing from one of these libraries.

ENGLAND

Up to this point I have been confining my remarks to the United States. However, English law books should be acquired concurrently with

American law books. While the sets listed in the Standards of The Association of American Law Schools are being purchased, in addition, steps should be taken to acquire:

1. *Pickering's Statutes at Large*
2. *Public General Statutes* to date
3. *Statutory Rules and Orders*
4. a. Reports not contained in the *English Reprint* (Those reports which have been impossible to find for many years should be reprinted by some Canadian, English or American bookseller.)
   b. *Law Journal Reports*
   c. *Law Times Reports*
   d. *Times Law Reports*
   e. *All England Law Reports*
   f. *Reports of Patents, Designs, & Trade Mark Cases*
   g. *Tax Cases*
   h. *Commercial Cases*
   i. Cox, *Criminal Cases*
   j. *Criminal Appeal Reports*

TEXT BOOKS

English textbooks are uniformly good and a substantial selection should be made quite early in the development of our basic library.

Holdsworth's *History of English Law* and Pollock and Maitland's *History of English Law, second edition,* and Winfield's *Chief Sources of English Legal History* are necessary foundation works.

PERIODICALS

A collection of the periodicals of England, Scotland and Ireland should be begun as soon as the law school library is started. *The Law Quarterly Review* and the *Modern Law Review* should be on the shelves of every American law school library. New periodicals such as the *Criminal Law Review* should be ordered without delay and when your American collection is well developed effort should be used to fill in the older sets of English, Scotch and Irish periodicals.

CANADA

For many reasons we should begin the collection of Canadiana as soon as possible after the American and English basic material has been acquired. If for no other reason than the amount of investment of American capital in Canada, we should plan a fairly complete collection of Canadian law. The New York Times a few weeks ago stated that in the first six months of 1954, 17 billions of American dollars were invested in Canada.

First of all the *Revised Statutes of Canada, 1952,* the session laws of the Canadian Parliament and Cartwright's *North America Act* in five volumes should be acquired together with the decisions of the Supreme Court and the Exchequer Court of Canada. A complete set of the *Dominion Law Reports* is a set of primary importance. The Provincial statutes, session laws and reports of decisions should follow as the need arises and funds are available. For those libraries situated in Louisiana, the Quebec Statutes, sessions laws and reports of decisions may be given precedence over the other Provincial legal material.

Usually research problems referred to a librarian are concerned with such subjects as Taxation, Estates and Corporation Law but I had a new one some years ago. A man came to my office dressed pretty much as a hobo except for the lack of patches on his clothes. His hair could have been helped with a good shampoo and a

hair cut. He had not shaved for weeks. He stated he had been sent to me and hoped I would be able to assist him. His question was "Did my wife divorce me?" Rather stunned by the question and the appearance of the man I asked him where he lived. His reply was Canada. To my questions, the year when his wife sought the divorce and his name, I received only the reply it might be in 1935. His name he would not give. I got the session laws of the Dominion of Canada for 1935 from the shelves and opened it to the Divorce Act and handed it to him. In a few minutes a smile broke over his face and he said "she got her divorce."

There are not many Canadian legal periodicals and they may be acquired at the time we expand our periodical collection beyond the requirements of the Association of American Law Schools.

AUSTRALIA

Australia has for some decades experimented with social legislation. In the development of our basic library we should begin our Australian collection with the Constitutional Convention, the *Commonwealth Statutes,* session laws and *Statutory Rules and Orders,* the *Commonwealth Law Reports* and special subject reports, the statutes, session laws and reports of decisions of the various states of Australia.

The *Australian Law Journal* should be acquired quite early in the development of our periodical section. It contains leading articles, notes and important recent cases decided in the Commonwealth.

FOREIGN LAW

A new library does not have the funds to indulge in the purchase of foreign law. However a librarian should be ready to buy such items as are needed by members of the faculty and others doing research at his library.

A comparative law course is appearing in the catalogues of more and more schools, consequently it would be wise to start, perhaps in a small way, to build, a collection of, say French codes, a set of Dalloz and one or two French periodicals.

MICROCARDS AND MICROFILM

The use of either microcards or microfilm is quite a debatable question. My feeling is that each librarian should consider the problems of his own library with an open mind. Certain elements should be weighed and the final result reached after due consideration. Some of the items to be considered are:

(1) The saving in stack space; (2) The lower *initial cost* of microcards or microfilm as compared to reprints; (3) The cost of card catalogue cabinets for housing the microcards or the proper equipment to house and preserve microfilm; (4) The probable necessary replacement of film every nineteen years; (5) The cost of readers; (6) The reading room table space necessary for readers; (7) The continuing expense of first rate clerical assistance in pulling and filing microcards and the handling of microfilm.

The new Director of the New York Public Library, Mr. Edward G. Freehafer has this to say about microfilm:

"Transferring books onto film cuts down on stack-room requirements, but you can't cut the readers down. As a matter of fact, they need *more* space when they use a microfilm reading machine. I am not so sure about micro-filmed books: there's a psychological block, and you can't curl up with a machine."[1]

Certainly materials available only on microfilm or microcards, especially the United States Supreme Court Records and Briefs and Legislative Histories of United States legislation are worth while to those libraries that have a sufficient clientele to warrant the expense of acquiring them.

BOOKSELLERS

I have been asked to say something about booksellers and their methods. I have had much experience in dealing with booksellers the world over and have found them an honest and reliable lot on the whole and fair as to prices. However their prices vary—it's wise to shop around. Here's a suggestion: Pay your bills promptly—it's rewarding. It may take some conferences with your comptroller as how best to expedite the payment of your bills.

Another suggestion, read booksellers' catalogues or offerings as soon as they reach your desk. By following this practice I have acquired a rare or scarce item for the library with which I was connected. To illustrate: One morning at 9:15 A.M. I telegraphed to Cincinnati for a copy of the first edition of the North Carolina constitution that appeared in a dealers catalogue. At 2:00 P.M. another would be purchaser of this item called me up and said: "I hear you bought the North Carolina Constitution this morning. How about selling it to me for $350 more than you paid for the book?" Another time I got a copy of the first edition of Grotius' War and Peace by ordering it over the telephone shortly after nine o'clock in the morning. An unrecorded Italian edition of Grotius appeared one morning in an Italian bookseller's catalogue. I cabled for it at once and got it. Sometime later the dealer wrote me that within three days he had received nine other orders for the set.

So much for the planning and building of a basic law library.

1. The New Yorker, January 29, 1955, p. 16.

Scientific Materials and the Law

by DILLARD S. GARDNER, *Librarian*
North Carolina Supreme Court Library

To what extent is a law library justified in purchasing scientific books relating to legal problems? In some libraries, this problem is made less acute by a limited budget coupled with a highly restrictive policy as to textbook coverage. This is my own experience. However, even in these libraries, there is still the problem of where to draw the line. I feel confident that no one can lay down hard-and-fast rules of thumb in this field. Not only is there no clear-cut answer to the problem, the very existence of the problem seems largely to have been overlooked. Though my search has not been exhaustive, I know of no definitive discussion of the question in our journals and publications.

Should a law library buy a *Medical Dictionary for Lawyers?* If the answer is the probable "Yes", what about a standard medical dictionary? What about a *Dictionary of Labor* or a *Dictionary of Economics?* If these are too specialized, what about dictionaries of slang and dialect dictionaries? We recently had a case in this State which turned upon whether a witness' statement that a car was "balling the jack" was evidence of excessive speed sufficient to take the case to a jury. The expression is not found in the standard dictionaries, but is defined in the dictionaries of slang. How far is the library justified in going to provide these "occasional" needs, since, in a very real sense, the need for all law material is "occasional"? Someone may suggest that these are not really "scientific" books but are actually "general aids and references." Granted—but doesn't the original problem still remain? How far are we justified in extending the definition of "general aids and references" to include non-legal material which is highly pertinent to legal problems?

For whatever it is worth to others, my own feeling is that we are thoroughly justified in making a distinction between definition, encyclopedic material on the one hand and strictly scientific texts on the other. Since law is built upon words as symbols, every law library, in my opinion, must have an extended and adequate collection of dictionaries and encyclopedias. Unless a library has available a comprehensive coverage of this basic material, its patrons may be exposed as ignorant of information known to ordinarily well-informed citizens generally.

Not long since, a case arose in this State involving trespass in fox-hunting. In the absence of a definitive work on the subject, it was necessary to resort to general encyclopedias for a description of fox-hunting preliminary to the determination of the existence of nonexistence of a trespass. Similarly, when a golf-player was injured by stepping

in a concealed hole off the fairway, it was necessary to turn to general encyclopedias to describe the uses of the various parts of a golf course before a decision could be reached as to whether permitting this concealed hole was negligent. Much the same sort of use of encyclopedias was made when a baseball patron was struck by a foul ball in the open bleachers. Much more than *Words and Phrases,* as valuable as it is, is necessary to judges and lawyers if they are to interpret correctly the application of the language of our time to the life situations of our people.

This still leaves untouched the true area of scientific texts related to law. Many titles fall so definitely within the legal field that there can be no serious question as to the appropriateness of their purchase. Such, for example, are *Disputed Paternity Proceedings, Disability Evaluation of Compensable Injuries, State Labor Relations Acts,* and *Contempt of Court in Labor Injunction Cases.* But, what of elaborate works, in the field of labor law let us say, such as Dangel and Shriber, *Labor Unions,* and Teller, *Labor Disputes and Collective Bargaining,* or even works such as *Governmental Adjustment of Labor Disputes?* In workmen's compensation, suppose we purchase *Medico-Legal Phases of Occupational Diseases* and *Accidental Injuries,* but are we also justified in buying *Occupational Tumors and Allied Diseases, The Essentials of Occupational Diseases,* and *Trauma in Internal Disease?* Of *The Roentgenologist in Court* there may be no serious question, but should we also buy such specific scientific items, as *The Human Blood Groups* and *Blood Group Determination?* Perhaps we should stop short with *Forensic Science and Laboratory Technics.* On second thought, maybe this is too definitely scientific and non-legal to justify us in purchasing it. (This is typical of the misgivings encountered regularly in this field of legal-scientific buying.) Finally, we reach the field of legal psychiatry, where we feel sure of ourselves in buying *Mental Disorder as a Criminal Defense,* but linger uncertainly over such titles as *Fundamentals of Psychiatry* and *Handbook of Psychiatry.* These sampling titles, taken somewhat at random, should be sufficient to throw the spotlight on this problem of book selection.

Without any suggestion of exhaustiveness and a specific denial of finality, the following working approaches, as the personalized reaction of one librarian, may be helpful to others in crystallizing their thinking in this field:

1. In the field of dictionary and general encyclopedic coverage, build toward a definitive, exhaustive coverage, but avoid too much overlappage in the expensive area of general encyclopedias.
2. Buy sparingly in scientific materials touching old, well-developed subjects like real property, and focus the buying emphasis of these materials on those fields of law, such as criminal law and workmen's compensation, where there is a growing use of scientific materials.
3. Buy liberally where the text integrates law and science, but more cautiously where the work is a sci-

entific treatise on a subject related to law. Since a law library's purchase of scientific treatises should be limited, it is often wise to seek the advice of a specialist in the particular field concerning the authoritativeness of the text under consideration.

4. In scientific texts, avoid generally the highly-specialized, small-volume coverage of very narrow topics, which tend to make the library coverage "spotty." It is safer to stick to the most recent edition of a broad, standard text accepted by experts in the particular field.

Cromwell Library
American Bar Foundation

by JOHN C. LEARY, *Librarian*

This new institutional member of the American Association of Law Libraries is located in the American Bar Center at 1155 East 60th Street, Chicago 37, Illinois. It is just two blocks west of the Public Administration Clearing House, the well-known "1313" building. The accessibility of the site was one of the determining factors in its selection. Several of the railroad lines stop at stations on 63rd Street and one can get to the Bar Center from the Loop by public transportation, the I.C. or the elevated, in a very few minutes. A drive to or from the Loop along the Lake Shore Drive is also quick as well as scenic. There are excellent hotel accommodations just a few blocks from the Center as well as in the Loop itself.

I can stand at my office window and look directly across the Midway Plaisance at the Rockefeller Memorial Chapel on the University of Chicago campus. I cannot quite see the University of Chicago Law School building as it is hidden behind the Harper Library and Social Science Building. The Midwest Inter-Library Center is just a few blocks beyond the Law School, on Cottage Grove, on a line from the Cromwell Library.

The name Cromwell has been given to the library to honor the memory of William Nelson Cromwell (1854-1948) of New York City. Mr. Cromwell was a partner in the firm of Sullivan and Cromwell. His practice was mostly corporate, with specialization in reorganization matters. He was very successful financially and in his will left large sums to several law schools and bar associations. Among the latter, the American Bar Association was given $400,000 for research and library purposes. This money was given by its trustees to the building fund for the American Bar Center and constituted, of course, its nucleus.

A short dedicatory exercise was held in the reading room of the library on the afternoon of February 22nd, 1955 after the final adjournment of the Mid-Winter Meeting of the American Bar Association. Approximately one hundred and twenty-five guests heard short speeches by Loyd Wright of Los Angeles, President of both the American Bar Association and the American Bar Foundation; Robert G. Storey of Dallas, Texas, Chairman, Research and Library Committee, American Bar Foundation and Harold J. Gallagher of New York City, representing the Board of Directors of the American Bar Association Endowment, the original recipient of the Cromwell bequest. The featured talk was by Arthur H. Dean of New York City, senior partner in the firm of Sullivan and Cromwell,

who spoke in interesting detail of Mr. Cromwell's career. His speech, or excerpts from it, will probably have appeared in the *American Bar Association Journal* by the time you read this in the *Law Library Journal.*

The property on which the American Bar Center is located was owned by the University of Chicago. It was conveyed by the University without compensation to the American Bar Foundation, a nonprofit Illinois corporation, as part of the University's development program for the area. The Board of Governors of the American Bar Association also acts as the Board of Directors of the American Bar Foundation.

The American Bar Center is, properly speaking, two buildings with connecting wings at the second and third stories and in the basement. The Administration Building is to the right as one faces the Center and its entrance is up from the sidewalk. This building is the headquarters of the American Bar Association and it is leased by the Association from the Foundation.

In the Administration building on the first floor, off from the entrance lobby, one finds the Board of Governors' Room and Members' Lounge, and on the other side, the office of the Controller and Business Manager, and the Accounting, Purchasing and Payroll Departments and the membership files and records. On the ground floor are the air-conditioning units, the printing, mailing and addressograph departments and the kitchen and dining room. Coffee and light snacks are provided in the morning and afternoon and hot lunches are served. The kitchen and dining room are operated by all of the employees at the Center organized as an association. There are approximately one hundred people working at the Center at the present time.

On the second floor of the Administration Building are the offices of the President and Executive Director of the Association, which open off from a shared reception room where their secretaries have their working area. Adjoining these are the Director of Public Relations, the Directors of Activities and the Law Student Program, and the offices handling the business of the various Sections of the Association, its Board of Governors and the Meetings Department. On the second floor along the wing, one finds the Editorial Offices of the American Bar Association Journal. The third floor of the Administration Building and the wing house the Information Service and the Traffic Court Program and several affiliated organizations, subtenants of the Association. At the present time these are the American Judicature Society, the National Conference of Commissioners on Uniform State Laws, the Junior Bar Conference, and the National Legal Aid Association.

Before describing the Research and Library Building, I would like to revert to the administrative setup of the American Bar Foundation. As I said above, the Board of Directors and the Officers of the Foundation, the corporate owner of the property are essentially the same people who serve as officers and who are on the Board of Governors of the American Bar Association. The Foundation's Board has

two main operating subcommittees. One is Finance, the other Research and Library. As its name indicates, the Finance Committee was in charge of the drive to raise funds for the construction of the Center, and now that this has been concluded its responsibility will be that of obtaining money for the various activities of the Foundation. These activities are, broadly speaking, the operation of the library and projects of legal research, which activities in management are under the Research and Library Committee. Resident supervision has been delegated to an executive called the Administrator.

During the planning stages for the American Bar Center and until very recently, the Administrator has been John C. Cooper of Princeton, New Jersey. The demands of other professional commitments moved Mr. Cooper to resign his position at the 1955 Mid-Winter Meeting of the American Bar Association. The Board of Directors regretfully accepted Mr. Cooper's resignation, pointedly thanking him for the vision and direction he has given to the planning and initial operating period of the Research Center. Whitney R. Harris, Executive Director of the American Bar Association, was named as Mr. Cooper's successor as Administrator of the Research Center.

The research projects sponsored by the Foundation go through a formal procedure of submission, investigation, approval and finance. The offices for research personnel are located on both sides of the first floor of the Research and Library Building and on the north side of the third floor, a total of twelve offices. Several projects have been approved and others are being considered. Among the approved projects are Citizenship Education, Administration of Criminal Justice, Model Corporation Acts Annotation, Canons of Professional Ethics and Lawyers Census and Incomes. All projects undertaken will be headquartered at the Bar Center.

The staff of the Cromwell Library is under the direction of the Administrator. For payroll purposes, members of the library staff are employees of the American Bar Foundation. There are three people employed in the library at the present time, Librarian, Assistant Librarian and Secretary.

The library reading room and offices are on the second floor of the Research and Library Building. Entering the reading room from the second floor wing, one sees the librarian's office to the left and rear. The secretary shares office and reception room space with the Administrator's secretary just beyond, and the Administrator's office is the last in this grouping. The Assistant Librarian's office area is to the right rear of the reading room with the catalog nearby. Behind is a workroom, and finally, what is called the Micro-Reproduction Room where materials in microprint will be shelved, together with the machines necessary for their use.

In the reading room, three tables which can accommodate eight readers each, a total of twenty-four, are on the north side, the stack area to the south. The tables and the two sets of separating counter-height wooden shelves are of light finish, the chairs are upholstered, side-arm type, the seat, back

and arms in green. The flooring is cork tile. The fluorescent lighting is recessed, flush to the ceiling, and venetian blinds and draw draperies complete the furnishings. Mr. Cromwell's picture hangs to the left of the main door.

The stacks are Globe-Wernicke's, free-standing in that they require no tie-in with the building walls or structure. They are double-faced, one bottom and six adjustable shelves with snap-on type brackets. The shelves in the reading room are 8-inch. Estimating a capacity of six Reporter-type volumes to the lineal foot, I would judge the total space available here in the reading room stacks at around nine thousand volumes. Opening off from the left front of the reading room is a small stack room with a capacity of two thousand. This will be the only closed stack area in the library.

The main portion of the collection will be shelved on the third floor, where the stacks are directly over those in the reading room, running almost the full length of the Research and Library Building on the south side. Here the stacks are 10-inch and run along the interior of the corridor wall length-wise, as well as width-wise in the stack area itself. Space available here is at 17,000 volumes. For the convenience of readers, thirteen study carrels without drawers are snapped on to the stack columns at various intervals. Total presently available capacity is estimated at 28,000 volumes. Provision has been made for additional stack installation on the ground floor of the Research and Library building, in an open area now occupied by the gymnastic department of the Bar Center Employees Organization, viz., two ping-pong tables. Finally, should you be quite exhausted by this tour of the American Bar Center, you may go to the third floor in the Administration Building and take a nap in the First Aid Room down at the west end. Automatic and self-operating elevators, book lifts and conveniently spaced stairways are in each of the buildings.

The collection will be in three broad areas. Until a better term comes along I will use one which I dislike, "a small working library" in the reading room with the standard reports, statutes, digests, encyclopaedias, citators and texts. This we will attempt to keep small. No effort will be made to cover any subject area very deeply, with the exception that materials needed for the various research projects must, of course, be provided for the staff. This I would call the second part of the collection. The third, and largest part of the holdings, will be bar association publications and we hope to make this as complete as is possible. An effort will be made to have the Cromwell Library become a bibliographic and informational center of the legal profession. Indicative of this type of activity are Publication No. 1 of the American Bar Research Center, May, 1954 and its Supplement A, October, 1954, *List of Unpublished Legal Theses in American Law Schools; List of Current Legal Research Projects in American Law Schools,* the supplement covering the same topics for the academic year 1953-54. Additional supplements will be prepared by the library staff. To tell of another activity, I was recently authorized by the Research and Library Committee and the Board of Directors

to proceed to present a plan for the micro-reproduction of the out-of-print American Bar Association Section and Committee Reports, the moving spirit behind this project being Erwin C. Surrency, Law Librarian at Temple University, Chairman of the A.A.L.L. Committee on Cooperation with the American Bar Association. Mr. Surrency and I hope to be able to work out a joint sponsorship for this project.

It was pleasant to learn on my arrival that the American Association of Law Libraries had taken part in the planning of the American Bar Center and the Cromwell Library through the kind assistance and advice given Mr. Cooper by such people as William R. Roalfe, Lawrence Keitt, Erwin C. Surrency, Charles A. McNabb, Arthur C. Pulling, Miles O. Price and Sidney B. Hill. Mr. Roalfe also attended the dedicatory exercises as the representative of the A.A.L.L.

It was pleasant, too, after the arrival of Miss Sonia M. Sandeen, the Assistant Librarian, for both of us to be welcomed into the company of the Chicago Association of Law Libraries, the local Chapter of the A.A.L.L.

It will be a pleasure to have all A.A.L.L. members attending the convention in Chicago this summer visit the Cromwell Library and the American Bar Center on the day of the south side trip.

Will you accept this as an invitation?

Law Books for the Blind

by JOSEPH L. ANDREWS* and WILLIAM B. STERN**

Not so many centuries ago, blindness meant the end of many a professional career and prevented many of those affected by it from ever acquiring a livelihood commensurate with their native intelligence. To be sure, there were exceptions to this rule, but blindness lost the worst of its consequences only with the invention of printing in relief by Valentin Hauy in 1786 and its improvement by Barbier's and Braille's development of printing in an arbitrary six-dot system around 1825.

Charitable contributions, state and Federal expenditures, as well as Federal grants to states under the Social Security Act of 1935 have supported numerous programs for the blind. The Library of Congress is probably the largest lending agency of braille books and many of these books, printed and distributed by the Library of Congress, are now available in regional libraries for the blind.

Among books printed in braille, there is a large number of law books —books originally printed conventionally and later reprinted or handcopied in braille. A considerable proportion of them is found in law libraries on a permanent loan basis. Usefulness of these books is increased by printing footnotes at the end of braille books in braille characters. The annual printing in braille of selected government documents starting with those for 1953, has been announced by the Library of Congress.

The braille program has been supplemented by the Talking Book Program under Congressional grants and of late by an extensive program of recording books on six-inch vinylite discs issued by Recording for the Blind, Inc. (36 West 44th Street, New York 36), an organization formed in 1951 under a grant from the Fund for Adult Education. These records are used mostly by law students, teachers, social workers, musicians, etc., as well as candidates for general undergraduate and post-graduate degrees. The number of listeners who have completed their professional training and of listeners who are losing their eyesight, will doubtless increase as time goes on. Recording for the Blind, Inc., relies on carefully selected volunteers as readers among whom there are also lawyers. Footnotes are read into the text where they occur. Records are made either when the importance of a publication seems to indicate the advisability, or more frequently on special requests from blind students who want to keep up with assignments.

Reports concerning the use of braille books or recordings in law libraries show no uniform tendencies. In some states students are furnished

* Reference Librarian, Association of the Bar of the City of New York Library

** Foreign Law Librarian, Los Angeles County Law Library.

readers who are paid by public funds, and blind attorneys frequently employ their own readers. Nevertheless, the importance of adequate assistance to the blind in law libraries seemed to make it advisable to gather information about the law books which are available in braille or on recordings. The present bibliography is based on the several catalogs published by the Division for the Blind of the Library of Congress as well as on the reproduced and unprinted catalogs of Recording for the Blind, Inc., and include items copied by these and other organizations. More detailed and recent information—only books available at the beginning of this year are listed in the bibliography—is available from the Division for the Blind at the Library of Congress, Recording for the Blind, Inc. in New York, state libraries and regional libraries for the blind.

The abbreviation *LC* refers to books in braille available from the Library of Congress, Washington, D. C., *LC Collection* to hand-copied volumes, and *R* refers to disc records of Recording for the Blind, Inc. *APH* denotes American Printing House for the Blind (1839 Frankfurt Avenue, Louisville, Kentucky), *BIA* Braille Institute of America, Inc. (741 N. Vermont Avenue, Los Angeles), and *HMP* Howe Memorial Press, Perkins Institution (Watertown, Massachusetts), but the braille books so indicated are nevertheless available free of charge to adult blind residents of the United States on loan through ten distributing regional libraries. All braille books are in Standard English Braille Grade 2 unless noted otherwise. For additional descriptive details concerning the title and imprint of listed items, general library catalogs should be consulted.

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Questions and Answers

Compiled by Southern California Association of Law Libraries

The editors will attempt to find answers to questions regardless of their suitability for publication, and questions which seem to need immediate replies will be answered by mail prior to publication in the Law Library Journal. Address questions to Mrs. Marian G. Gallagher, Law Librarian, University of Washington Law Library, Seattle 5, Washington.

This issue was compiled by a Committee of the Southern California Association of Law Libraries, composed of R. Paul Burton, Carleton Kenyon, and John Stephenson. Answers were contributed by Charles Armstrong, John Heckel, Frances Holbrook, Louis Piacenza, William B. Stern, and members of the Committee.

1

Question:

If order sheets, rather than multiple forms, are used in order work, is there any advantage in indicating on the order sheet the ultimate status of the order, that is, whether the order was received, dropped, cancelled, out-of-print, etc., when that information is also available on the order card?

Answer:

The answer to this question must necessarily vary according to the type of order and financial records maintained by each individual library. The necessity or value of such duplication of information on the order sheet would depend upon the subsequent use made of the order sheet in relation to the other records which are maintained. If the order sheet apart from the order card, plays a subsequent role in the maintenance of permanent order records or the financial records, then the duplication of information which is also available on the order card would serve a practical purpose.

2

Question:

There are comprehensive catalogs and checklists for current Federal and state government publications. How can municipal and other local government charters, codes, and documentary materials of a current nature be located?

Answer:

Ingenuity is required to find current document materials on municipal and local law. No comprehensive catalog exists for such publications such as the *Monthly Catalog of U. S. Government Publications* and the *Monthly Checklist of State Publications.* The *Municipal Ordinance Review,* published by the National Institute of Municipal Law Officers, provides a monthly subject list of city ordinances

adopted and proposed, resolutions and council news and proceedings from information supplied by NIMLO members. Other sources which may profitably be consulted include *P.A.I.S.*, *Municipal Year Book* section on "Selected and Model Ordinances," especially "Charters and Codes," and national, regional and local bibliographies.

3

Question:

In cataloging Anglo-American materials under ALA rules 89-90, a manual or authority list showing *correct statutory name* of the various courts of all jurisdictions with time periods indicated is needed. Ideal would be an annotated guide giving terminal dates, statutory authority, and concise jurisdictional information in the manner of the notes and *Appendix A* of the *U. S. Government Organization Manual.* Meanwhile, what individual volumes and lists are most helpful in finding this information?

Answer:

For Great Britain and the United States the author headings and authority cards in volumes 58 and 151 (and supplements) of the *Library of Congress Author Catalog* are fine as far as they go; but no authority card list has been printed for Great Britain, and both lists are incomplete. Holdsworth and the court chart facing page vi of the second edition of Potter, *Historical Introduction to English Law* are indispensable references. For the American states, the author card limitation of the L.C. *Catalog* often results in surprising gaps in the court entries available to date. In cataloging older trials, for example, the court list in *Appendix VII* of Hicks, 2nd edition is a good starting point, but requires annotation; reference to the statutes is unavoidable in many instances to determine correct court name form for the added entry. As this is an expensive and wasteful process carried on by libraries independently, might not a pooling of authority cards and photographic reproduction be a worthwhile enterprise?

4

Question:

Is there a checklist of the administrative regulations which are issued by the various states?

Answer:

We refer you to the report of the Committee on Cooperation with State Libraries of our Association published in 45 Law Library Journal 245 (1952) where administrative regulations and the sources from whom they may be purchased are listed. You may bring this information up-to-date by perusing the Checklist of Current State and Federal Publications which is published from time to time in the Law Library Journal.

5

Question:

Order cards may be kept as a permanent record for price and other bibliographic data that becomes less accessible as time passes, but is there any advantage in keeping order cards beyond the time that they serve as a payment record, for such items as second copies, replacements, single issues purchased for binding, etc.?

Answer:

Keeping such cards for the time they serve as a payment record should follow standard business practice, and keeping them beyond that time seems to be keeping them beyond the time they have served their useful purpose. However, other factors should be considered, e.g., cost of discarding, space requirements, efficient use of files, etc., when considering the time to keep these cards.

6

Question:

The new 1954 supplement to *Restatements in the Courts* carries annotations only through December, 1953. How can these annotations be brought up-to-date?

Answer:

Later cases citing the Restatements are shown in Shepard's Citations for the following states: Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, Tennessee, Texas, Washington, and Wisconsin.

7

Question:

In 47 Law Library Journal 148 (1954), a question was asked regarding the retaining of replaced or superseded volumes. When these volumes are retained, how are they entered on the catalog card in order to distinguish them from the current volumes?

Answer:

The current volumes will be shown on the card in the usual way, giving number of volumes and the inclusive dates. Superseded volumes may be listed on a second card, giving the volume number and the date of the superseded volume.

e.g. Summers, W. L. The law of oil and gas. (Card 2)
Superseded volumes:
v. 1. ©1938.
v. 5. ©1939.

Mertens, Jacob. The law of Federal income taxation. (Card 2)
Superseded volumes:
v. 5. 1942.
v. 6. 1942. v. 10. 1943.

Nebraska. Laws, statutes, etc. Revised statutes . . . (Card 2)
Superseded volumes:
v. 3. ©1944.

8

Question:

From time to time I have been asked for the source of quotations taken from opinions and other writings by Justices Holmes, Hughes, Cardozo, Brandeis or Hand. Is there any reference work in which I could trace the source of these quotations?

Answer:

You may find some of these quotations and their sources listed in *Bartlett's Familiar Quotations, Stevenson's Home Book of Quotations,* and *Words and Phrases,* but a dictionary of legal quotations remains to be written. Some libraries keep a file of answers to difficult reference questions and I wonder whether any such file includes the answers to at least a part of your problem. Would any law librarian who has a file of legal quotations of this kind

be willing to communicate with me in order to make his file available to the inquirer?

9

Question:

To what extent should the materials of a practicing law firm's library of 15,000 volumes be cataloged and classified, and how should the work thereof be organized? This question is intended to raise, *inter alia,* sub-questions such as whether LC catalog cards should be used, or are they too inconvenient and expensive; and is a dictionary catalog necessary?

Answer:

The committee did not feel qualified to answer this question. It was the concensus that there was probably some point between 10,000 and 50,000 volumes at which cataloging a law collection became desirable, if not essential. However, the number of variable factors in any individual situation seemed too great to permit an answer of general application. Can our readers offer any helpful ideas toward the solution of this problem?

10

Question:

Frequently our patrons ask with reference to a particular code section of our State whether similar code sections are found in any other state and if so in which state?

Answer:

I assume that your patrons desire to find similar code sections in other states in order to search whether they have been interpreted by the courts of these other states, as a clue to the way in which the law of his home state should be interpreted. There are several approaches to this question. The Codes of the following states list comparative statutory sections of other states:

> Arizona, Arkansas, Idaho, Indiana, Louisiana, Michigan, Montana, New Mexico, Oklahoma, Tennessee, Texas, Utah and Wyoming.

If a Uniform Law is involved you will find the enactments in the several states listed in *Uniform Laws Annotated.* If a law of the type summarized in Martindale-Hubbell's Law Digest is involved, the uniform system of topic headings for all states provides a quick method of comparing provisions. Also, there are numerous bibliographies on special subjects which might be helpful. If all this does not help, you will have to use the subject approach by checking the *Index to Legal Periodicals* and textbooks on particular subjects which frequently list enactments in the several states. If older legislation is involved, the several digests of state legislation which have now been discontinued may still be of assistance.

CURRENT COMMENTS

Compiled by BETTY VIRGINIA LEBUS, *Librarian*
Indiana University Law Library

The *William Nelson Cromwell Memorial Library* in the American Bar Center was dedicated on February 22, 1955. Arthur H. Dean, senior partner of the New York firm of Sullivan and Cromwell delivered the dedication address. A bequest of $400,000 in the will of the late William Nelson Cromwell made possible the library bearing his name. The Cromwell library, which occupies part of two floors of the Research wing of the Bar Center, will house a definitive collection of the publications of bar associations and a working library for reference use.

Technical Services in Libraries by Maurice F. Tauber and associates will become a fundamental text in the increasingly important field of technical services. The selected bibliographical references on each topic provide a useful index to the library literature in this area.

The December 15, 1954 issue of the *Library Journal* is devoted to new buildings. Remodeling, use of fabrics and color in library furnishing, and moving are all treated.

The collection of legal materials at the *Midwest Inter-Library Center*, 5721 Cottage Grove Avenue, Chicago 37, Illinois now includes reasonably complete or complete files of the Records and Briefs from the Second Circuit [#21648(1952)-date], the Third Circuit [#3600(1930)-date], the Fourth Circuit (partial file during the 1930's but not currently received), the Sixth Circuit [#4600(1928)-date], the Ninth Circuit [#5100(1930)-date], the District of Columbia [#9500(1947)-date], and the Wisconsin Supreme Court (1928-date). Request should be made by docket number. The Center also has a collection of the separate bills and resolutions of the U. S. Senate and House beginning with the 76th Congress, 1st Session (1939). The state documents collection includes reports of attorneys general, laws and legislative journals. The sets of the records of the war crimes trials held in Nuremberg and in the Far East are among the most complete available. Loans are made to any library, but not to individuals. Materials may be used at the Center, also.

A collection (on 80 reels of microfilm) of the records and briefs of 23 important trials involving the issue of *Communism* has been distributed to nine libraries in the United States. The collection was assembled by Charles E. Corker, formerly of the Stanford University Law School faculty, supervised by a committee under the Chairmanship of Professor Arthur E. Sutherland of the Harvard Law School. The project was under the sponsorship of the Fund for the Republic, Inc. The Lloyd, Rosenberg, Hiss, Coplon, Dennis and Sobell trials are among those included. The libraries which will serve as depositories are the Library of Congress, the University of California Library at Berkeley, the University of Chicago Library, the

Harvard University Library, the New York Public Library, the Cornell University Library, the Mirabeau B. Lamar Library of the University of Texas at Austin, the University of Washington Library in Seattle, and the Florida State University at Tallahassee.

"Library Associations in the United States and British Commonwealth" are discussed in the January, 1955 issue of *Library Trends.* Comments on the A.A.L.L. appear at pages 229-230.

A new all-steel *book truck* equipped with six 8" bracket-type removable shelves, each 36" in length has been announced by the W. R. Ames Co., 150 Hooper St., San Francisco, California.

A new library *carrel* designed by Design and Production, Inc. of Alexandria, Va. is shown in the January, 1955 issue of *Special Libraries* (v.46, p. 39). Its 24" x 48" table surface makes it of special interest to law librarians.

Sina Spiker's *Indexing Your Book, A Practical Guide for Authors* was published recently by the University of Wisconsin Press.

A memorandum concerning the status of *Department of State publications* appears in the 1954 Proceedings of the American Society of International Law, pages 220-225.

Approximately 70 books of legal interest are reported sold at auction in the 1953-54 edition of *American Book-Prices Current.* The prices ranged from $5 for the nine volume edition of Foss' *Judges of England* to $400 for the first edition of the *Federalist Papers,* 1788 (2v.). Probably one of the most expensive briefs on record is Dwinelle's *Colonial History of San Francisco* (3d ed.) which sold for $350. It was an argument before the Circuit Court in a California land case. A first edition of Blackstone's *Commentaries* from the library of Jean Hersholt sold for $140, while a copy of the third edition brought only $5. The first American edition sold for $45. President Fillmore's copy of Elliotts' *Debates* sold for $26. Copies of the first edition of the *Holmes-Pollock Letters* vary in price between $6, $7 and $8. Top price for an early state publication was $80 for the Acts of the first territorial legislature of Arizona. Benjamin Franklin's printing of the *Charter and Laws of Pennsylvania* (1742) brought $25. Trials sold generally for $5, with the Sacco-Vanzetti trial bringing $12 and the 42 volume set of the Nuremberg trials $65. Justice Field's *Personal Reminiscences,* also from the library of Jean Hersholt, went for $27. The sale of particular interest to law librarians was that of Beale's *Bibliography of Early English Law,* two copies of which were sold at $20 and $22. An unusual item of foreign law was Abdur Rahman's *Institutes of Mussalman Law* (1907) which sold for $12. In general, the quality and price level of rare law books sold at auction remained the same as in the previous year. (Contributed by John W. Heckel, Los Angeles County Law Library).

The Readex Microprint Co., 100 Fifth Avenue, New York 11 has announced a *Microprint* Edition of United Nations Publications. All unrestricted documents issued from 1946-1953 and all current unrestricted documents as issued are included.

A.A.L.L. COMMITTEES AND REPRESENTATIVES
1954-55

Supplementing List at 48 L. Lib. J. 75

NEW MEMBERS COMMITTEE
add, as member, Ralph Hudson

SPECIAL POLICY COMMITTEE
add, as member, Lawrence Keitt

COUNCIL OF NATIONAL LIBRARY ASSOCIATIONS, *Joint Advisory Committee on Microfilming*
This Committee was discharged by C. N. L. A., November, 1954

MEMBERSHIP NEWS

Compiled by CHARLOTTE C. DUNNEBACKE, *Law Librarian*
Michigan State Library

WILLIAM R. ROALFE, Librarian of the Elbert H. Gary Law Library, Northwestern University, represented the Illinois State Division of the American Association for the United Nations at the National Conference of the Association in Washington, D. C. February 26th to March 1st. Mr. Roalfe also represented the American Association of Law Libraries at the dedication of the William Nelson Cromwell Library at the American Bar Research Center on February 22nd. Other members of the Association attending were Professor NORMAN BURSLER, University of Chicago School of Law Library, Professor FRANCIS J. ROONEY, Loyola University Law Library, CHARLES A. MCNABB and Mrs. GOLDIE ALPERIN of the Chicago Bar Association Library.

SONIA SANDEEN assumed duties on February 1st as assistant law librarian at the new library of the American Bar Research Center. Miss Sandeen is a native of Rockford, Illinois, and before taking up her work at the Center was assistant cataloger at the Deering Library, Northwestern University, in Evanston. She attended Stephens College and received her B.A. from Lawrence College, Appleton, Wisconsin and her M.S. in Library Science from the University of Illinois Library School. Previous to doing graduate work she served in the Rockford Public Library and later as assistant cataloger at Price Gilbert Library, Georgia Institute of Technology in Atlanta, Georgia.

CHARLES A. MCNABB, Executive Librarian, Chicago Bar Association Library and ERWIN C. SURRENCY, Librarian, Temple University Law Library, have been appointed as Library Consultants to the Research and Planning Commission of the American Bar Association.

KURT SCHWERIN, Assistant Librarian, Elbert H. Gary Law Library, Northwestern University has completed his final examination as a candidate for the degree of Doctor of Philosophy in History at Columbia University. He will receive his degree in June.

Items from the University of California Law Library at Los Angeles: MARIAN L. BECKER, Head of the Acquisitions Department, became Mrs. Kevin O'Farrell in November. LEO LAWRENCE BOITEUX, who received his M.S. in Library Science from the University of Southern California, is now Circulation Librarian at the Law Library. JOHN WESLEY DYE, a recent graduate of the School of Library Science, University of Oklahoma, has been appointed to the position of Assistant Cataloger. JOHN DUDLEY STEPHENSON, formerly Reference Li-

brarian, is now a member of the Reference Department of the Los Angeles County Law Library.

AMONG OUR AUTHORS

ARTHUR W. FISKE, librarian of the Cleveland Bar Association Library has written an analysis of the *"Ohio Revised Code: Its Impact and Implications"* for the December 1954 issue of the *Cleveland Bar Association Journal.*

The December 1954 issue of the *Library Journal* (Vol. 79, No. 21) contains an interesting article by RICHARD C. DAHL, Librarian of the University of Nebraska Law Library entitled *Professional Development Programs.*

November 1954 issues of two of the leading legal journals carry reviews of recent books by two members of the Association. WILLIAM B. JEFFREY, JR., Assistant Law Librarian of Yale University Law Library has reviewed *Anglo-American Law on the Frontier: Thomas Rodney and his Territorial Cases* in the *Yale Law Journal,* Vol. 64, page 155. DILLARD S. GARDNER, Librarian of the North Carolina Supreme Court Library reviews R. B. H. Gradwhol's *Legal Medicine* in the *American Bar Association Journal,* Vol. 40, page 984. Mr. Gardner has also reviewed *Hatred, Ridicule or Contempt* by Joseph Dean for the January 1955 issue of the *American Bar Association Journal.*

Librarians planning new buildings will want to read LUCILE ELLIOTT's Article in the *Journal of Legal Education,* Vol. 7, page 235 on *How One Law Library's Perennial Problem Influenced the Building Program.* Miss Elliott is law librarian of the University of North Carolina School of Law and immediate past president of the Association.

The February issue of *Illinois Libraries* carries a history and description of the *Library of the Supreme Court of Illinois* by JESSIE TAYLOR SMITH, the Law Librarian.

SIDNEY B. HILL, Law Librarian of the Association of the Bar of the City of New York, continues to prepare timely and useful bibliographies for publication in the *Record,* the monthly periodical of the Association of the Bar. A *Reading List on the Fifth Amendment* appears in the October 1954 issue; a selected list to aid in the study of amending the Charter of the United Nations is presented in the December 1954 issue; and a check-list relating to charities and foundations is found in the February 1955 issue.

CHAPTER NEWS

DAVID J. HAYKIN, Chief of Subject Cataloguing Division of the Library of Congress, addressed a luncheon meeting of the CHICAGO ASSOCIATION OF LAW LIBRARIES held at the Normandy House on February 4th. He outlined the history of the Law Library of the Library of Congress and described the current project of clearing up arrears in law cataloguing at the library as well as the present prospects of completing a classification scheme for law. WERNER B. ELLINGER, Subject Cataloguer of Law, Library of Congress, was an honored guest. ROBERT H. GAULT, Professor Emeritus of Psychology of Northwestern University and Editor in Chief of the

Journal of Criminal Law and Criminology will be guest speaker at the next meeting to be held in April.

The SOUTHERN CALIFORNIA ASSOCIATION OF LAW LIBRARIES met on December 3, 1954 at the University of Southern California. President FRANCES K. HOLBROOK of the U.C.L.A. Law Library reported on libraries visited in England and Ireland; CARLETON W. KENYON of the Los Angeles County Law Library discussed the availability and utility of state manuals and blue books; STAN HARDY of the Los Angeles County Civil Service Commission Library outlined the history and scope of works on medical jurisprudence; and FORREST S. DRUMMOND of the Los Angeles County Law Library described the activities of the Policy Committee of the A.A.L.L. of which he is Chairman.

LAW LIBRARIAN'S SOCIETY OF WASHINGTON, D. C. met on January 19th to hear an address by LOUIS J. SHARP, Chief of the Division of Probation, Administrative Office of the United States Courts. SENATOR SAMUEL J. ERVIN of North Carolina was the guest speaker for the group on March 16th.

The course on Law Librarianship given at the Graduate School of the U. S. Department of Agriculture continues into a second semester. Arranged for by the Committee on Law Library Science of the Society, it is again being conducted by RALPH H. SULLIVAN.

New members of the Society include: ARMINS RUSIS, GENOVEVA R. CARRERA, and JAROSLOV JIRA all of the Law Library, Library of Congress; THURSA SANDERS, Department of the Air Force, Office of Legislative Liason; PHILIP COHEN and MATTHEW BENDER, III, law book publishers.

Boston College of Law was host to the LAW LIBRARIES OF NEW ENGLAND on November 15th at the new law school building on the campus at Chestnut Hill. Dinner was served in the new Students' Cafeteria, following which the meeting was held in the Faculty Room. FATHER WILLIAM J. KENNEALY, Dean of the School of Law, addressed the group, outlining the history of the law school from September 26, 1929 when formal instruction commenced to the occupancy of the new building in the Fall of 1954. DENNIS DOOLEY, Massachusetts State Librarian, who as the first Dean of the School of Law, played an important part of that history, was one member of Fr. Kennealy's interested audience.

NEW MEMBERS

Institutional memberships have been entered for the following:

AMERICAN BAR RESEARCH CENTER LIBRARY, with JOHN C. LEARY being designated as staff member.

THOMAS M. JENKINS as institutional member for Florida A. and M. University, Law Division, at Tallahassee, Florida.

JOSEFA JIMENEZ and RAFAEL CINTRON, both of the Office of the Attorney General, Department of Justice in San Juan, Puerto Rico.

THE PRUDENTIAL LAW LIBRARY, Newark, N. J. with FRANK C. KOCH being designated as staff member. Mr. Koch has served on the legal staff of

the Prudential since 1938 and became law librarian in 1947. Prior to that he was employed as an accountant by Barrow, Wade, Guthrie & Co. in New York and in the law firm of Lum, Tamblyn and Fairlee in Newark. Mr. Koch received his A.B. from Princeton University in 1933 and his LL.B. from the Law School of the University of Newark in 1947. He completed the course in law library administration at Columbia University in 1947.

The following changes have been made in Institutional Membership designations:

J. B. CRUM has replaced John R. W. Williams and FLOYD F. MILES has replaced George A. Trout, both at the Colorado Supreme Court Library, Denver, Colorado.

BARBARA OFFERMANNS has replaced Martha Washington at the Elbert H. Gary Law Library at Northwestern University.

WILLIAM L. BLACKWELL has replaced Roy L. Kidman at the University of California Law Library in Los Angeles.

FRANCES A. POSNER has replaced Douglass Pillinger and IRWIN J. ASKOW has replaced Frank E. Kolak, both at the Chicago Bar Association Library.

WILLIAM W. PRICE has replaced Joseph T. Pizzulo at the Bureau of the Law Library, State House, Trenton, N. J.

EDITH A. WRIGHT has replaced William W. Price at the Biddle Law Library, University of Pennsylvania.

The following have joined the Association recently as individual members:

DOROTHY M. ANDREWS, McCutchen, Thomas, Matthew, Griffiths & Greene, Balfour Building, San Francisco.

THOMAS J. BLACKWELL, senior member of the firm of Blackwell, Walker, and Gray, First Federal Building, Miami, Florida. Mr. Blackwell's public service includes a term as City Attorney in North Miami, and Municipal Judge of Miami Shores from 1936-1945. He is a member of several professional organizations and has been a contributor to numerous legal and insurance journals.

MRS. BEULAH M. BROWN, San Bernardino County Law Library, San Bernardino, Cal.

ISIDORE J. DENIS, Faculte de droit, Universite de Montreal, Quebec.

MRS. KATHERINE G. GALEY, University of Southern California Law Library, Los Angeles, Cal.

JEWEL E. HIGGINS, Loeb and Loeb, Pacific Mutual Building, Los Angeles, Cal.

CHARLOTTE C. JENNETT, who has returned to the law library profession after a long absence while serving as an instructor and a junior college librarian. She is a member of the staff of the University of Southern California Law School Library, Los Angeles. Miss Jennett received her A.B. from the University of Alabama and her LL.B. from Rutgers University. She also holds an M.A. from Montclair State Teachers College and is a

candidate for an M.A. in Library Science from the University of Southern California in June. She served as instructor at Panzer College in East Orange, N. J. and as librarian of the Reedley Junior College Library, Reedley, Cal., and the Coalinga Junior College Library, Coalinga, Cal.

JAROSLAV JIRA, Library of Congress, Washington, D. C. Dr. Jira is a Legal Analyst in the Foreign Law Section of the Law Library of the Library of Congress. He came to the United States in 1951 from Prague where he was District Judge of the Civil and Criminal Court. He received a Doctor of Laws from Charles University at Prague and a Master of Comparative Law from George Washington University Law School. He is presently studying at the Graduate Library School of the Catholic University of America. He is a lecturer and the author of several legal treatises.

H. P. OSBORNE, JR., Osborne, Copp, and Markham, Jacksonville, Florida.

WILLIAM P. REISS, Pitney, Hardin and Ward, 744 Broad St., Newark, N. J.

RAY RICHARDSON, JR., Patterson, Freeman, Richardson and Watson, 701 Florida National Bank Building, Jacksonville, Fla.

JOAN VALERIE SMITH, librarian of the law firm of Morgan, Lewis and Bockius, 2107 Fidelity Building, Philadelphia. Miss Smith received her Bachelor of Science from Fordham University School of Education in 1951. She attended Seton Hall University School of Law and received her M.S. in Library Science from Columbia University in 1954. She served as assistant in the Nutley Free Public Library, Nutley, N. J. and at the Nopco Chemical Co. in Harrison, N. J.

BOOK REVIEWS

Shareholder Democracy: A Broader Outlook for Corporations, by Frank D. Emerson and Franklin C. Latcham. Cleveland: The Press of Western Reserve University, 1954. pp. xiii, 242. $4.00.

In the past few months several dramatic completed or pending battles for intracorporate control have thrust themselves into the public eye. Even that portion of our populace more interested in the identity of the winner of the Kremlin's current game of musical chairs or, more importantly perhaps, the winner of what given ball game, must have taken more than passing note of Robert Young's onslaught last year to take on (and over) the New York Central. More recently, interest has been kindled in the impending battle of the ages[1] between Sewell Avery and Louis E. Wolfson for control of Montgomery Ward. These two contests and others like them have been or will be fought in large part on the field of proxy statements and other shareholder solicitation data. Hence Professors Emerson and Latcham's work entitled "Shareholder Democracy" has arrived at a very propitious moment.

The title is somewhat deceiving. One would imagine the subject of shareholder democracy encompasses a great deal more than regulation of proxy solicitation with respect to large, publicly-held corporations, but basically the book deals with no more than that. Certainly to the extent that proxy regulations do, will, or can stimulate more effective permissible participation by shareholders in the governing of corporate affairs, the cause of corporate democracy will be enhanced. But to equate a means for providing an effective voice for stockholders in annual meetings with shareholder democracy and to exclude from the term the whole field of law protective of the shareholder's individual and collective rights, as the authors so cavalierly do, goes too far. Democracy, to this reviewer, is more than the mere right to participate with understanding in the selection of the representatives who shall govern; it embodies as well the protection of individual liberty and integrity from unwarranted invasion and perversion by the governors. So, in the corporate sense, democracy must also encompass the safeguarding of the individual stockholder from venal, careless or selfish management, from the avarice of greedy promoters or dealers, and from his own gullibility. A democracy without a bill of rights is not much of a democracy.

Aside from quibbling about the semantics of the title, there is little else with which to take issue. The authors have succeeded admirably in compiling a readable and, at times, an extremely interesting analysis, history, appraisal and practical demonstration of the workings of the SEC's proxy regulations under § 14 of the Securities Exchange Act of 1934.[2] In

1. A facetious reference to the relative ages of the respective combatants.

2. 48 STAT. 895 (1934), 15 U.S.C. §78n (1952).

so doing, they have substantiated the workability and value of the proxy and proposal rules embodied in Regulation X-14[3] as a potentially feasible solution to the problem posed by the modern economic fact of separation of ownership from control in today's big businesses.

Professors Emerson and Latcham have not sought to write eruditely about their chosen subject, although the book is scholarly enough for all save the expert. The detailed intricacies of the legal problems arising from application of the proxy rules have already been discussed by them in a series of articles published in various legal journals,[4] and upon which the treatise at hand is based. They have endeavored instead to write for the general reader, particularly the investor. Such a reader, however, may find parts of the discussion rather technical and overly statistical.[5] Presumably the desire of increasing the salability of the book to such persons led to the relegation of the extensive footnotes to the back of the volume. It is more likely the book will be consulted by the lawyer, company or otherwise, who has the task of preparing or analyzing proxy statements or stockholder proposals and it may be that that sort of user will find the process of riffling from text back to footnote back to text somewhat irksome.

Physically, the book is attractively bound and stamped and the type is quite legible, something for which appreciation should be expressed.[6] There are even cartoons,[7] a departure many law book readers groping for a graphic conceptualization of an author's ideas will feel ought to be emulated.

The book begins by tracing the development of the principle of corporate citizenship from its early British background of emphasis upon personal participation along with a concomitant refusal to permit proxy voting to the modern situation in which the geographic and fractional dispersion of stock ownership in most of the larger corporations necessitates the use of some form of absentee voting so long as the facade of stockholder control is to be maintained as part of the legal corporate structure. Up until

3. 17 CFR §240.14a-1 *et seq.* (1949); C.C.H. FEDERAL SECURITIES LAW REPORTER par. 25,601 *et seq.*

4. Emerson and Latcham, *SEC Proxy Regulation: Steps Toward More Effective Stockholder Participation,* 59 YALE L. J. 635 (1950); *id., Further Insight Into More Effective Stockholder Participation: The Sparks-Withington Proxy Contest,* 60 YALE L. J. 429 (1951); *id., The SEC Proposal Rule: The Corporate Gadfly,* 19 U. OF CHI. L. REV. 807 (1952); *id. The Role of the Proxy Regulation and Corporate Democracy,* 4 VA. L. WEEKLY DICTA COMPILATION 65 (1953); *id., Proxy Contest Expenses and Shareholder Democracy,* 4 WESTERN RESERVE L. REV. 5 (1952); *id., Proxy Contests: A Study in Shareholder Sovereignty,* 41 CALIF. L. REV. 393 (1953).

5. This is particularly true of portions of Chapters III, IV and IX. For example, consider this statement on page 28: "As in the instance of the 'exchange' exemption contained in Securities Act Section 3(a)(9), neither X-14A-2(b), nor the 3(a)(9) exemption is lost, however, if otherwise available, merely because the paid solicitor is paid and is a solicitor." This is not intended as a criticism for the authors have handled the technical aspects of the regulations very effectively. There probably is no easy way of explaining regulations otherwise to laymen. It must be admitted, however, that the SEC numbering system appears terribly complicated to the novice reader.

6. This is as good a place as any to note an error in composition, something reviewers love to do to prove they have read the book. This reviewer is no different, for he discovered triumphantly that a line has been omitted from the paragraph on top of page 120.

7. By Miss Burmah Burris through the courtesy of FORTUNE MAGAZINE. The cartoons deal mostly with typical inanities mouthed by bored members of management going through the shareholder meeting ritual.

1934 the proxy system had been utilized by management as a means of self-perpetuation in office through the use of long term general proxies and negligible soliciting information. State statutes recognized the right to vote by proxy but did not adequately provide for the knowledge needed for intelligent granting of proxies. Then came the passage of the Securities Exchange Act of 1934 and the grant of power given the S.E.C. under § 14 of that Act, and with it the picture changed. Since 1935 when the first rules were promulgated through the latest amendments announced in 1954, the S.E.C. in its now famous Rules X-14 has sought to uphold a threefold approach to the problem: (1) disclosing adequate information in connection with proxy solicitation, (2) providing an effective means for non-management communication with the body of stockholders, (3) preventing fraud and misstatement or omissions of fact in obtaining proxies from credible stockholders. Through these rules, particularly Rule X-14A (7) governing security holder's proposals, the authors believe an effective means has been found to enable the present-day shareholder to participate, if not effectively, at least with understanding, in deciding the corporate affairs entrusted in part to his judgment. Voting with comprehension and appreciation of the issues involved was the essence of the early common law personalized stockholders' meeting; that same essence can be supplied to the modern corporate situation by adherence to the requirements of X-14.

This is not to say the authors accept X-14 uncritically. On the contrary, they strongly believe that either by amendment of the regulations themselves or the statute behind them, the rules can be made much more efficaceous. Throughout the book, proposals for expansion or improvement of the regulations are set out. For one thing, the proxy provisions presently cover only securities listed on national securities exchanges; clearly coverage should be extended to over-the-counter securities whose sales can be subjected to federal control. It is pointed out that back in 1946, there were over 1,000 corporations with over $3,000,000 in assets and 300 or more security holders, excluding banks, that were not subject to filing reports with any public agency, federal or state. Secondly, the ability of corporate management to evade the responsibility of proper accounting of its stewardship and conformity to the proxy rules by simply not sending out proxy statements at all should be halted by requiring the delivery of a proxy statement and ballot covering all shareholders meetings, whether management solicits proxies or not. Thirdly, though financial statements and annual reports are required to be sent to stockholders at some time during the solicitation process, the contents of such reports and financials are not prescribed and they should be to insure complete disclosure. Other proposals advanced include control over professional proxy solicitors, limitation on last-minute proxy switching, curtailing extravagant managerial voting campaigns, furnishing an equitable means of complete or proportional reimbursement for unsuccessful soliciting groups which gain a given

percentage of shareholder support, giving equal access to all competing groups of names of shareholders whose stocks are held in street names, and many others.

One of the most practical changes advocated (not so much by the authors but by Caplin[8]) it seems to this reviewer, is one which would permit competing slates of directors to be printed on a single ballot. The present ballot requirements permit an alternative vote on proposals initiated either by management or security holder under Rule X-14A(7) which are submitted to the shareholders; there would seem to be little reason not to extend the same choice to the most important task of the shareholder—the selection of proper representatives. With proper safeguards to prevent crank nominations it seems the fairest way of presenting the basic decision to be made by the shareholders. It is also the fairest from the standpoint of cost when it is considered that the corporation has to bear the cost of management's proxy solicitation anyway.

Following the introductory material, the authors present a conventional analysis of the present regulations and case law. Treated, sometimes critically, are such matters as the coverage and exemption from coverage of the regulations, the data required by Schedule 14A for inclusion in the proxy statement, the form and content of the proxy ballot, filing requirements, proxy contestants' expenses, and fraud and civil remedies.

One of the most interesting chapters is the one dealing with the Sparks-Withington proxy contest in 1950, the first such contest (and still one of the very few) in which a small shareholders' committee was able to prevail over management by use of the proxy rules. The steps leading up to and the proxy battle itself is set out in full detail. The authors use the case as the context for pointing up the strength and weakness of the rules in action. For instance, the case very effectively highlights the disproportionate economic advantage that management has in such a fight by being able to utilize the corporate till for its own preservation. There the Sparks-Withington management expended over $51,000 to $6,000 for the insurgents. True, a successful insurgent group has been permitted the same privilege[9] but the cost of such contests and the risk of failure involved operates as an effective deterrent to many a potential and often justified battle for control. Still, as long as the analogy of political democracy is followed in the corporate sense, perhaps that's the way the result should be. There is nothing that seems so irreparably lost as the campaign funds expended by the losing party in a political election contest.

This use of actual raw data gleaned from investigation and consideration of the proxy material filed with the S.E.C. and by the authors' following up through personal inquiry to the contestants involved distinguishes this book from more conventional legal monographs. It is here that the authors deserve full credit for a pioneer-

8. Caplin, *Proxies, Annual Meetings and Corporate Democracy*, 37 VA. L. REV. 653 (1951); *id., Shareholder Nomination of Directors: A Program for Fair Corporate Suffrage*, 39 VA. L. REV. 141 (1953).

9. Steinberg v. Adams, 90 F. Supp. 604 (S.D.N.Y. 1950).

ing venture. This is no work based simply on cases that come up through the courts by chance and on judicial and administrative interpretation of a federal act and the regulations promulgated thereunder. For professors Emerson and Latcham have made a thorough, statistical study of the proxy rules in operation based on the materials actually filed, the proposals actually propounded by security holders, and the contests actually engaged in by rival groups seeking control or representation.

For example, there is a chapter on proposals permitted by Rule X-14A(7), which allows the security holders to submit to management proposals for appropriate security holder action which, if requirements to prevent frivolous harassment are met, must be included by management in its proxy statement along with no more than a 100 word statement by the proponent. Here, not only is the case and administrative law on the matter discussed, including an examination of the implications of the *Transamerica* decision,[10] but there is also a factual survey of all the proposals contained in management proxy statements from 1948 through 1951. The proposals are analyzed by subject matter, by results and by proponents. The information thus gleaned is quite interesting. It is learned, among other things, that over half the proposals during that period dealt with cumulative voting, another third with by-law provisions, several with eligibility requirements of directors (including seven demanding women directors), and only 16 out of 286 proposals dealt with that subject thought dearest to stockholders' hearts—dividends. The role of the Gilbert brothers, Lewis D. and John J., as the knights-errant of the small stockholders is confirmed when it is learned that fully 47% of the proposals submitted emenated from those two gentlemen. It is also interesting to find out that the executive salary problems of the American Tobacco Company were not laid to rest in the famous litigation brought by an earlier Sir Galahad.[11]

In another chapter a comprehensive analysis of the proxy contests fought out in 1951 and 1952 is presented. Investigation is had as to the number of nonmanagement proxy statements, the solicitation data utilized, the composition of the dissident groups, the use of personal solicitation and professional solicitors, the average expense, the voting results, and private opinions as to the efficacy of the SEC rules. Details of several successful representation and control contests, including the bitter United Cigar Whelan Stores fight in 1951 are given. To some degree it is to be regretted the preparation of the book antedated the Robert Young—New York Central management struggle in 1954. To use the vernacular, that would have been a natural for a book of this sort.

On the whole, the use of materials from law in action is quite effective, although the average reader may get bogged down in some of the statistical summaries, particularly in Chapter IX. But when the relative complexity

10. SEC v. Transamerica, 163 F.2d 511 (C. A. 3, 1947), cert. denied 332 U. S. 847 (1948).

11. Rogers v. Guaranty Trust Co., 288 U. S. 123 (1933) (dissenting opinion by Stone); Rogers v. Hill, 289 U. S. 582 (1933).

of the statistics listed in the footnotes is observed, the authors are to be congratulated for handling them in text as well as they did. Mention should also be made here of the excellent illustratory material used in the appendices. Included are such items as American Telephone and Telegraph's 1954 proxy statement, Bethlehem Steel's proxy ballot, and a summary of the 1953 annual meeting of Merritt-Chapman & Scott (embracing a colloquy between two of the most prominent dramatis personae on the current stockholders' meeting stage, Louis E. Wolfson and Lewis D. Gilbert). Quite helpful too is the statutory and regulatory material set out, consisting of section 14 of the Securities Exchange Act of 1934, SEC Regulation X-14, and selected stock exchange proxy rules. Librarians undoubtedly will find a bibliography of material on the proxy situation and a table of cases of practical value.

There is one arresting effect developed by the statistical study. To prove their point that the proxy statement and security holder proposal requirements have not particulary displaced or harassed management, the authors cite some disquieting figures. For example, in 1952 out of 1,803 proxy statements filed with the SEC, only 27, or 1.49%, were non-management proxies. Of these only one proposal drew a favorable majority vote and that one was unopposed by management. Similarly with respect to security holder proposals from 1948 through 1951, out of 6,755 management proxy statements filed, only 177, or 2.7%, contained 286 proposals advocated by 71 proponents. Of 232 of such proposals only 7, or 2.3%, carried, and five of those were not particularly opposed by management. These figures suggest this thought: if the rights accorded by the regulations are so little utilized and when they are, so overwhelmingly defeated by the forces of management, is there really need for rather onerous administrative requirements regulating the solicitation of proxies? The authors feel the proxy regulation approach by the SEC provides the most effective medium for shareholder shaping of corporate policy and that other media such as legislation or case law are too slow or sporadic. But in light of the figures how immediate a solution to the problem of effective shareholder participation in corporate government is the proxy regulation when it is so little used by non-management groups and with such little success? The results suggest more the monotonous victories achieved by the government in the so-called people's democracies behind the Iron Curtain than the results foreordained by the application of our own democratic concepts.[12]

One answer is that the mere existence of the requirements have a desirable prophylactic effect. The knowledge that proxy material must be passed on by an administrative body with its sanction of delaying approval

12. Not even the distinguished author of the preface to the volume, Benjamin Graham of Graham and Dodd's *Security Analysis* fame, goes along with the perfect analogy drawn by the authors between political democracy and shareholder democracy. Professor Graham suggests a closer corollary with the type of democracy practiced in the city manager form of government and with the right of initiative, referendum and recall. He does concur with the authors' view that the traditional Wall Street solution to the problem: "If you don't like the management, sell your stock" is not a very satisfactory one.

of deficient statements is keen stimulus to management to properly divulge at least the minimum information required for intelligent shareholder voting. Another is that so long as machinery is provided, though not adequate because too expensive or burdensome, there is hope the objective of adequate participation can be met. The authors feel the most hope lies in the realm of the security holder proposals and that if shareholders were made more aware of their rights to submit proper propositions to the body of stockholders for action, the personal element missing since the early days of corporations might be feasibly restored. Though the means at hand provided by the proxy regulations need to be strengthened by reduction of cost and expansion of coverage, information and responsibility, the important thing to remember is that they have blazed the trail to the goal of effective and intelligent participation by the co-owners of this country's big business enterprises.

Stripped of its title and limited fundamentally to its coverage of the use of proxy materials by big corporations and their stockholders, Professors Emerson and Latchman have made a valuable contribution to the literature of corporation law and business organization. Perhaps one day someone will analyze in a similar fashion the problem of the shareholder in the smaller corporation or the closely held company. Then, but only then, will the study of that phase of corporate democracy comprehended by the title of this book be complete.

LEON LEBOWITZ
Baylor University Law School

Research in Illinois Law, by Bernita J. Davies and Francis J. Rooney. New York: Oceana Publications, 1954. pp. 68. $2.50.

Bibliography is one of the fields for which librarians must assume a large measure of responsibility as the arduous tasks involved are not often assumed by others. At the same time the quality of library service is frequently determined by the thoroughness with which the underlying basic bibliographic tasks have been performed. For the field of law library service a great deal of bibliographic work remains to be done and one important area embraces the less well known but nevertheless important publications concerned with the law of each of the states of the Union. For this reason, *Research in Illinois Law,* by Bernita J. Davies and Francis J. Rooney, although a small book, is a welcome addition to the field. By concentrating upon the State of Illinois this book begins where the research manuals and aids of national scope fail to render adequate assistance and provides answers to many questions of bibliographical detail relating to Illinois materials.

Even a cursory examination of the book will demonstrate its utility for, however experienced a reference librarian or reader may be, he will almost certainly discover within its covers some facts with which he is not familiar and, in addition, he will have in convenient form an array of bibliographical details which, even if once known, cannot readily be kept in mind. A copy of *Research in Illinois Law* is a must for every law library in the state of Illinois which assumes

any responsibility for service to members of the legal profession and is also essential in any law library anywhere which is responsible for an exacting service on a nationwide scale.

Research in Illinois Law is divided into eight chapters covering statutory law, the judicial system and court reports, digests, Illinois citators, court rules, administrative law, practitioner's books, and miscellaneous legal publications. The last chapter on miscellaneous legal publications includes discussions on the available loose-leaf services, legal periodicals, the *Restatement of the Law*, bar association reports, and reference books. Ready access to its contents is provided both through the table of contents and the index. At the end of the book under the heading "Research Facilities" attention is called to the various law libraries that are available in the state. A valuable feature is a chart of the state government of Illinois. No doubt this volume will, as is usually the case with all contributions of this kind, point up the need for and the value of further matters of bibliographical detail. If such proves to be the case it is to be hoped that a new edition embodying such additions will be forthcoming in due time.

Research in Illinois Law is the second in a series of publications covering the various states in the Union. The first volume was *Research in Pennsylvania Law*. Volumes are now in preparation for the states of New Jersey, New York, Connecticut, Virginia and Louisiana and others are expected to follow.

WILLIAM R. ROALFE
Northwestern University Law Library

Legislative Drafting, by Reed Dickerson. Boston and Toronto: Little, Brown and Company, 1954. Pp. xvi, 149. $4.95.

With the publication of this volume Mr. Dickerson and his publisher have supplied the hitherto inexplicably unfilled need for a current general text on the drafting of bills. The author states: "This book tries only to give rudimentary answers to the most significant everyday problems." While the book is written so that it can be appreciated by the uninitiated, its value is much greater than the author's modest appraisal indicates. It is a good orientation course for the novice and a fine refresher for the professional. In addition, it can serve as a working tool for any draftsman.

The subject matter of the book can be divided into four topics—the drafting process, the organization of a bill, legislative style and grammar, and the use and form of certain common or formal provisions of bills. The first half of the book deals with the first topic. This reviewer's bill drafting experience indicates that Mr. Dickerson's description of the situations that may occur is accurate and that his advice about the staff process in drafting bills is practical. The advice ranges from some practical suggestions on the mechanics of handling the drafting copy to the ethical admonition that the draftsman not yield to a temptation to indulge in intentional obscurity in order to get passage by stealth of a measure the legislature would not otherwise approve.

The portion dealing with the arrangement of a bill takes up such matters as the order of the formal pro-

visions and how to handle recurring situations in a bill. Because the arrangement of the non-formal provisions of a bill might seem largely dependent upon judgment applied to each particular case, one might expect to find little that is of immediate use in any discussion of the topic. Mr. Dickerson's discussion contains a pleasant surprise on this score.

The one-third of the book dealing with legislative style and grammar contains advice and examples that any draftsman should welcome. While this portion may not be more than good English usage applied to common bill drafting problems, that is a great deal. The tables of common but disapproved expressions and their acceptable substitutes should prove very useful to the draftsman who has this volume available for reference.

The final two chapters deal with the form of and the use of certain common or formal provisions of bills. Perhaps the most penetrating portion of this is the analysis of the definition section. An appreciation of this material would certainly help the draftsman avoid a monstrosity like the following: "The word 'vegetables' and/or the words 'agricultural commodities' and/or the words 'farm products', when used in this Act shall mean any and/or all of the following enumerated commodities: Asparagus, Beans (string, wax, or green) . . . and . . ."

Every law librarian can be assured that the acquisition of this volume will be a significant addition to his library and that he can recommend its use to the bill draftsman seeking aid with the expectation that the draftsman will be aided. It is of interest to librarians, too, that Appendix C contains a sizeable bibliography of American, Canadian and English materials on bill drafting. Finally, the reader will be pleased to discover that Mr. Dickerson is not of the "do as I say, not as I do" school; this short volume is very readable.

MILLARD H. RUUD
University of Texas Law School

Fiction Goes to Court. Favorite Stories of Lawyers and the Law, selected by famous lawyers, edited by Albert P. Blaustein. New York: Henry Holt & Co., 1954. pp. xii, 303. $4.00.

This book represents the kind of idea which occurs at intervals to some one with an anthology in mind. Let us assemble the names of a number of men who are famous in a particular field, and ask each to name his favorite item; and then let us publish the whole, with brief statements from each of the illustrious adding their luster to the merits of the selections.

Looking for short stories about the law, Mr. Blaustein went to his list. He chose John W. Davis, Richard M. Nixon, Adlai E. Stevenson, Fred M. Vinson, Gavin Turnbull Simonds, Samuel Williston, Roscoe Pound, Tom C. Clark, John J. McCloy, Eric Johnston, Estes Kefauver, Sam Rayburn, Erle Stanley Gardner, Oscar Hammerstein II, Elmer Rice, William J. Donovan, Lloyd Paul Stryker, and Jerry Giesler. The qualifications of some of these men as literary critics might be open to debate, and some of them are far better known for their activities in other fields than for anything essentially legal; but at least

they are all widely known, and all of them are interesting people. In two or three sentences each has indicated his choice.

The authors whose stories have been selected run to no less familiar names. They include Melville Davisson Post, Arthur Train, A. P. Herbert, John Galsworthy, Theobald Mathew, Octavus Roy Cohen, Irvin S. Cobb, Ruel McDaniel, A. A. Milne, William Faulkner, Irwin Shaw, Richard Harding Davis, Harry Klingsberg, Marc Connelly, Stephen Vincent Benet, James Reid Parker, Cornelia Otis Skinner, and Erle Stanley Gardner—the last named appearing in the dual capacity of critic and author.

Clearly there has been a certain amount of rigging in the mechanics of the book, which was perhaps unavoidable. It can scarcely be pure coincidence that eighteen men have selected the stories of eighteen separate authors, and no two of them have happened to hit upon the same one. But of course if all eighteen made the same selection there would have been no book. Sometimes, however, the results appear to be a bit unfortunate. Of all the stories of Mr. Tutt which flowed from the pen of Arthur Train, "The Dog Andrew" is scarcely the best, whether it be on the basis of law, plot, interest, character, incident or style.

There is not much in the book which will be new to avid readers of legal fiction. The one gem that I found was A. A. Milne's "The Barrister," which is a delightful little four-page satire on the art of cross-examination as it is depicted in the motion pictures. All the rest of the book was old, but most of it was good. This is a pleasant evening's reading for any one at all interested in the law.

WILLIAM L. PROSSER
University of California
Law School, Berkeley

Drafting Wills and Trust Agreements; Dispositive Provisions, by Gilbert T. Stephenson. Boston: Little, Brown & Co., 1955. pp. xlvii, 593. $11.50.

This is a valuable book, prepared by an author who is well qualified, on a highly practical and realistic plan, and in a thorough and competent manner.

It is a companion work to *Drafting Wills and Trust Agreements; Administrative Provisions,* published by the same author in 1952.

It is the product of many years of experience as a lawyer and draftsman, trust man and advisor to lawyers and their clients, research director of the American Bankers' Association's Trust Division, and author of thirteen other books on trust business and draftsmanship.

The work is based on the collection and study of hundreds of wills and living trust instruments, an examination of their contents, and a classification of their clauses and objectives. The writer has analyzed and listed in great detail the large variety of problems facing a donor of property at death or inter vivos, has stated the controlling considerations, and has quoted paragraphs of one or more instruments which were actually drawn and used to meet the contingency in question.

The coverage includes gifts in trust

or absolutely, at death or during life, and charitable gifts as well as private. It is not, however, a book on estate planning, since it excludes such possible methods as intestacy and insurance.

Naturally in a book of this relatively small size there are certain limitations. Some subjects like taxation and community property can be treated with brief discussion only. The book does not purport to be a legal text book or to refer to case or statute law authorities to any considerable extent. It assumes a background of local law in the mind of every draftsman.

The treatise will interest all who are concerned with the preparation of wills and inter vivos transfers of any complexity. It concludes with a check list of subjects which should be reviewed before any draft is executed. There should be considerable demand for it among lawyers for testators and donors, as well as officials of banks and trust companies and thoughtful laymen who are considering the disposition of their property and the welfare of their families and other prospective donees.

GEORGE G. BOGERT
Hastings College of Law

The Legal Community of Mankind, by Walter Schiffer. New York: Columbia University Press, 1954. pp. 367. $5.50.

This posthumously published book by Dr. Walter Schiffer analyzes the theoretical concepts which make a scheme of international organization along the lines of the League of Nations or United Nations appear as a plausible and normal solution to the problem of universal peace. "The goal of human development" according to the author, "seemed to be the gradual transformation of the world into a perfect legal community where problems which formerly had been political could find a legal solution. But it was regarded as possible to achieve this transformation without fundamentally altering the political structure of the world, which had given rise to political problems and struggles. The world was to be organized, but it was to remain divided into independent states. The legal order of the universal community which was not to be a state was expected to have similar effects as if that community had been a state."

Dr. Schiffer presents a scholarly review of how the theoretical concepts underlying this thesis evolved. Part One is devoted to the concept of natural law and the growth of the science of international law, beginning with the unity of Western Christendom in the late middle ages, its disappearance, and Grotius' theory of the legal community of mankind. Part Two deals conceptually with the community of mankind, the theory of the natural interests of men and the belief in progress.

In the author's view the League system of collective security is based upon the following assumptions: (1) blind, unreasonable passion is the main source of wars; (2) all international conflicts are susceptible to a reasonable, generally acceptable solution through peaceful means; (3) it is generally clearly discernible who is right and how a dispute is to be set-

tled; (4) mankind is united by a general spirit of justice and reasonableness undisturbed by conditions of national power and politics. "The maintenance of peace thus was considered to be essentially a matter of reason and good will. The moral cohesion of the world was believed to be so strong that even a state which, under the influence of irrational passion, contemplated going to war against another would not be entirely insensitive to the voice of reason, especially if it were clearly expressed by an impartial international organ, but would be prevented from executing its plans by the moral disapproval of the global community."

The inconsistencies underlying the concept of collective security are emphasized by the author in numerous ways. "The League was an attempt to deal with the problems arising from political divergencies between the states into which the world was divided, by methods the successful functioning of which presupposed an essential unity of purpose among the peoples of the world, and therefore the absence of political discord." And again, "The Covenant thus did not really provide for a solution of the problem which it intended to solve, but rather theoretically eliminated the problem by postulating its nonexistence."

After stating that the general ideas underlying the United Nations were similar to those on which the League of Nations concept had been based, the author points out, without analyzing the concept, that world government now represents the most advanced position in liberal thought.

Clearly written and easily understandable to the layman, this study's principal usefulness lies in the effective way in which it dispels unsoundly based hope and hence contributes to a wider understanding of truth. Leaders of thought and leaders of public opinion should be helped by this analysis. Perhaps a greater sense of reality concerning the role which the United Nations can most effectively play in the cold war objectives of the United States will be engendered by it. Once it is realized that collective security cannot be expected either at one fell swoop or gradually to transform the world of power politics into one of continuing peace between armed sovereign states without political discord, then United States policy may no longer be handicapped by the particular kind of crusading spirit which led to the movement in 1950 in both the Congress and Executive branch of the Government to strengthen the security functions of the United Nations. It might then be more readily feasible to put into the proper perspective the limited but very important role of the United Nations in bolstering the security efforts of a United States unwilling to commit sufficient resources of manpower and treasure to match up to the full challenge of the tyranny which threatens it. There can be little doubt, for instance, that greater political solidarity in the United Nations would result from a United States commitment of sufficient resources to ensure the defense of Southeast Asia. But it should be understood that such increased solidarity must come principally from a stronger United States position in

that part of the world and from arrangements outside the United Nations rather than through forcing the United Nations to assume significant new attributes of a grand alliance against one of its most powerful members.

Again, once thought is concentrated upon maximizing the usefulness of the United Nations in the cold war and once its limited direct security functions are understood, there is increased likelihood that other potentials of the United Nations will be explored. The United Nations tends to promote United States leadership in the free world when it concerns itself with United States proposals which are capable of engendering spontaneous support of a majority of its members. The extraordinary spontaneity in the United Nations on technical assistance suggests that the United States could reap significant benefits from a major emphasis upon the United Nations as a world development authority through which mankind's resources should be developed for their maximum welfare. Similarly, the development of the United Nations as the cultural center of the world in addition to making it the political and economic center would perhaps also have significantly beneficial results.

Furthermore, this book, by making the limitations of collective security clear to more and more public leaders, should indirectly encourage both statesmen and scholars to be more forthright with the public than they sometimes have been. Were this book in existence in 1944, it would have been more difficult for scholars and diplomats to allow themselves, as well as the American people, be they politicians or laymen, to believe that the United Nations would serve as a substitute for a responsible national security policy consisting essentially of 1) a national military establishment measuring up to that of any potential rival, and 2) strong allies.

Finally this book, by throwing a new road block across the dead end street of collective security, should stimulate scholars to explore new avenues of thought in their quest for effective universal security arrangements. Any further contribution that international organization may make to the problem of security on a global scale will have to stem from new and deeper insights into the problem of causation in international politics and the ways in which common values and interests relevant to the use of force could actually take global shape. This would suggest the importance of providing the United Nations with a new conceptual foundation if it is to develop its greatest potential under present conditions as well as under more auspicious circumstances which it is hoped history will provide in the future.

HOWARD C. JOHNSON
The Ford Foundation
New York, N. Y.

CHECKLIST OF CURRENT STATE AND FEDERAL PUBLICATIONS

Revised to March 15, 1955

Compiled by WILLIAM D. MURPHY

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
ALABAMA		
Reports	West Pub. Co.	260
App. Reports	West Pub. Co.	36
Code Ann.	Secretary of State	1940, 10v.; 1953 P.P.
Session Laws. odd years	Secretary of State	1953, 2v.
Atty. Gen. Rpts. & Op. quarterly	Attorney General	75 (April-June,1954)
ALASKA		
Reports	West Pub. Co.	14
Compiled Laws Ann.	Bancroft-Whitney Co.	1949 (c1948), 3v.
Session Laws. odd years	Secretary of Territory	1953
Atty. Gen. Rpts. biennial	Attorney General	1951-53
ARIZONA		
Reports	Secretary of State	77
Code Ann.	Bobbs-Merrill Co.	1939, 6v.; 1952, 1954 Supps. (2v.) (New Code in Preparation)
Session Laws. annual	Secretary of State	1954
ARKANSAS		
Reports	Secretary of State	222
Statutes Unann.	Secretary of State	1947, 2v.; 1951 Supp.
Statutes Ann.	Bobbs-Merrill Co.	1947, 8v.; 1953 P.P.
Session Laws. odd years	Secretary of State	1953
CALIFORNIA		
*Reports	Bancroft-Whitney Co.; Advance parts, Recorder Printing & Pub. Co.	42 (2d)
*App. Reports	Bancroft-Whitney Co.; Advance parts, Recorder Printing & Pub. Co.	127 (2d)
Official State Codes	State Printing Office	Various Editions
Deering's Ann. Codes	Bancroft-Whitney Co.	30v. in 53; 1953 or 1954 P.P.
West's Ann. Codes	West Pub. Co.	1954, 19v. to date
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* Advance parts available.

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
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*Atty. Gen. Op.....semi-annual	Hanna Legal Pub. Co., Albany.....	23 (Jan.-June, 1954)
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Reports..... . . .	A. B. Hirschfeld Press, Denver.....	128
Statutes Ann..... . . .	Callaghan & Co.....	1954, 6v. (Index Vol. in Preparation)
Session Laws..... annual	Secretary of State.....	1954, 2v.
Atty. Gen. Rpts. & Op. biennial	Attorney General.....	1951-52
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*Reports..... . . .	Commission on Supreme Court Publications.....	140
*Conn. Supp..... . . .	State Editor.....	18
General Statutes.... . . .	Secretary of State.....	1949, 4v.; 1953 Supp.
Session Laws..... odd years	Secretary of State.....	1953 Spec., 1v.; 1953 Pub., Pam.
Atty. Gen. Rpts. & Op., biennial	State Library.....	26-27 (1949-53) (In Preparation)
Judicial Council Rpts. . . .	State Library.....	14 (1954)
Departmental Regulations . .	State Editor.....	1949, 1v. (loose leaf)
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Reports..... . . .	State Library.....	47
Chancery Reports... . . .	State Library.....	32
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DISTRICT OF COLUMBIA		
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Florida Cases	West Pub. Co.	67-71 So. (2d)
Florida Supp.	South Pub. Co., Miami	5
Statutes	Secretary of State	1953, 2v.
Statutes Ann.	West Pub. Co.—Harrison Co.	1943, 31v. in 32; 1954 P.P.
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Atty. Gen. Rpts. & Op. biennial	Attorney General	1951-52
GEORGIA		
*Reports	Harrison Co.	210
*App. Reports	Harrison Co.	89
Code	Harrison Co.	1933, 1v.
Code Ann.	Harrison Co.	1935, 36v.; 1951 P.P.; 1954 Supp.
Session Laws.....odd years (Annual beginning 1955)	State Library	1953, 2v.
Atty. Gen. Rpts. & Op. biennial	Law Dept.	1952-53
GUAM		
Civil and Penal Codes	Govt. of Guam, 58 Sutter St., San Francisco	1953
Civil Procedure and Probate Codes	Govt. of Guam	1953
Government Code	Govt. of Guam	1952; 1953 P.P.
*Statutes and Amendments to the Codes	Govt. of Guam	1951-52 (1st. Legislature)
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*Reports	Clerk of Supreme Court	39
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Reports	West Pub. Co.	74
Code Ann.	Bobbs-Merrill Co.	1947, 12v.; 1953 P.P.
Session Laws.....odd years	Syms-York Co., Boise	1953
Atty. Gen. Rpts. & Op. biennial	Attorney General	31 (1951-52)
ILLINOIS		
*Reports	Edwin H. Cooke, Bloomington	2 (2d)
*App. Reports	Callaghan & Co.	2 (2d)
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Session Laws..... odd years	Secretary of State.....	1953
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INDIANA		
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*Atty. Gen. Op..... annual	Attorney General.....	1954
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IOWA		
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*Reports..... . . .	State Library.....	175
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PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
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Administrative Code. . . .	Statute Revision Commission.....	1951
Administrative Regulations Service..... . . .	Statute Revision Commission.....	1953 (loose leaf)
LOUISIANA		
Reports..... . . .	West Pub. Co.....	225
Revised Statutes.... . . .	Secretary of State.....	1950, 7v.; 1954 Supp.
West's Statutes Ann. . . .	West Pub. Co.....	1951, 49v.; 1953 P.P.
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MARYLAND		
*Reports..... . . .	George W. King Printing Co., Baltimore	205
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*Reports..... . . .	Wright & Potter Ptg. Co., Boston....	330
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Ann. Laws..... . . .	Lawyers Co-op. Pub. Co.—Michie Co.	1933, 17v.; 1954 P.P.
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*Reports..... . . .	Lawyers Co-op. Pub. Co.....	339
Compiled Laws..... . . .	Secretary of State.....	1948, 5v.; Ann., 1v.
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* Advance parts available.

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*Atty. Gen. Op.	Dept. of Justice	41 (1949-54)
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